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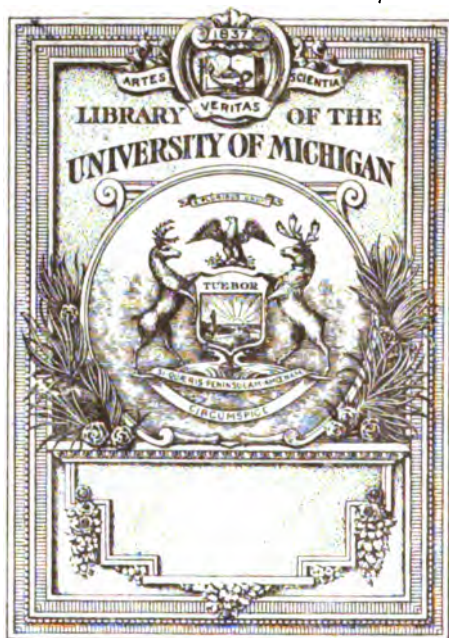
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THE GIFT OF  
*Hon. C. H. Richmond*

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**HOUSE JOURNAL**  
**OF THE**  
**LEGISLATIVE ASSEMBLY**

**OF THE**  
**STATE OF KANSAS,**

**AT ITS**  
**'SECOND SESSION,**

**COMMENCED AT THE CITY OF TOPEKA, JANUARY 13**  
**AND CONCLUDED MARCH 8,**

**1863.**

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**PUBLISHED BY AUTHORITY.**

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# HOUSE JOURNAL.

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TOPEKA, January 18th, 1863.

The House of Representatives met and were called to order by the Hon. W. W. H. Lawrence, Secretary of State.

Roll called, when the following gentlemen answered to their names:

Messrs. Alford, Baker, Beeson, Barret, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown of the 24th district, Brown of the 54th district, Campbell of the 33d district, Campbell of the 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foreman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, O'Gwartyney, Hanson, Hawkins, Hidden, Hiner, Hollister, Hollenberg, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kellogg, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snider, Steel, Stratton, Tucker, Underhill, Vaughn. Walker, Ward, Weisback and Williams.

The following oath of office was then administered to the members present, by Hon. Samuel A. Kingman, associate justice of the supreme court of the State:

You and each of you do solemnly swear that you will support the constitution of the United States, and of the State of Kansas, and that you will faithfully discharge your duties as members of the House of Representatives, so help you God.

On motion of Mr. Eskridge, W. R. Saunders, of Coffey county, was elected by acclamation, chairman pro tem.

## JOURNAL OF

On motion of Mr. Medill, of Leavenworth county, G. W. E. Griffith, of Franklin county, was elected chief clerk pro tem.

On motion of Mr. Glick, the House proceeded to effect a permanent organization by election of Speaker.

Mr. Eskridge nominated Josiah Kellogg, of Leavenworth county.

Mr. Johnson, of the 1st district, nominated Ed. Russell, of Doniphan county.

Mr. Ward nominated Mr. Douthitt, of Shawnee county.

The names of Messrs. Russell and Douthitt having been withdrawn, the vote was had with the following result:

Mr. Kellogg received seventy-four votes, and

Mr. Saunders received one vote.

Those voting for Mr. Kellogg were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Forman, Foster 80th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnston 1st district, Johnson 70th district, Jones, Kinner, Lacey, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snider, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

Mr. Kellogg voted for Mr. Saunders.

Mr. Kellogg having received a majority of all the votes cast was declared duly elected Speaker of the House of Representatives.

The chairman pro tem. appointed Messrs. Russell, Eskridge and Douthitt a committee to wait upon Mr. Kellogg and notify him of his election.

On motion, House adjourned to meet again at half past 2 o'clock P. M.

**THE HOUSE:**

5.

**AFTERNOON SESSION.**

**HALF PAST TWO O'CLOCK P. M.**

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absent—Messrs. Campbell 55th district, Dennison and Grover.

Hon. Samuel A. Kingman, Associate Justice of the Supreme Court, administered the following oath of office to the Speaker:

You do solemnly swear that you will support the constitution of the United States and the constitution of the State of Kansas, and that you will faithfully discharge the duties of Speaker of the House of Representatives of the State of Kansas, so help you God.

On invitation of the Speaker, Rev. Mr. Steele opened the proceedings of the House with prayer.

Mr. Tucker offered the following resolution, which was adopted:

WHEREAS, It appears from the certificate of S. R. Shepherd, Secretary of State, that William Harrison, of Butler county, has been legally elected a member of this House of Representatives; be it

*Resolved*, That Mr. Harrison be sworn in as a member and admitted to a seat in this House.

The following oath of office was administered to Mr. Harrison by Associate Justice Kingman:

You do solemnly swear that you will support the constitution of the United States and of the State of Kansas, and that you will faithfully discharge your duty as member of the House of Representatives of the State of Kansas, so help you God.

Mr. Saunders offered the following resolution:

*Resolved*, That we proceed to complete the organization of the House by electing the following officers in the order stated:

1st. Chief Clerk.

2d. Assistant Clerk.

3d. Journal Clerk.

4th. Docket Clerk.

5th. Engrossing Clerk.

6th. Enrolling Clerk.

7th. Sergeant-at-arms.

8th. Assistant Sergeant-at-arms.

9th. Door Keeper.

10th. Two Messengers.

Mr. Eskridge moved to amend by inserting "Speaker pro tem." before "chief clerk."

The amendment was accepted and the resolution as amended was adopted.

Mr. Eskridge nominated W. R. Saunders, of Coffey county, as Speaker pro tem.

Upon which the roll was called with the following result : Ayes 73. Noes 0.

Those voting for Mr. Saunders were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnston 1st district, Johnson 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Sayer, Snider, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

Mr. Saunders having received a majority of all the votes cast was declared duly elected Speaker pro tem.

Mr. Beeson nominated A. R. Banks, of Osage county, for chief clerk.

Upon which the roll was called with the following result :

Voting for Mr. Bank 75.

Those voting were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney,



## THE HOUSE.

Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st dist., Johnston 70th dist., Jones, Kinner, Lacock, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snider, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback, Williams and Mr. Speaker.

Mr. Banks having received a majority of all the votes cast was declared duly elected chief clerk.

Mr. Lee 19th district, nominated John W. Day for assistant clerk.

Mr. Barrett nominated Mr. Bliss.

Mr. Russell nominated Mr. Ellsworth.

The roll was call with the following result :

Mr. Day received forty-five votes.

Mr. Ellsworth received twenty votes.

Mr. Bliss received nine votes.

Those voting for Mr. Day were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bowman, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Christie, Cobb, Conrey, Dennison, Douthitt, Drake, Ellis, Foster 40th district, Fullington, Gordon, Griffith, Grover, Gwartney, Harrison, Hawkins, Ide, Jackman, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, Medill, Miller, Mitchell, Rogers, Saunders, Steel, Tucker, Ward and Williams.

Those voting for Mr. Ellsworth were Messrs. Bottom, Bradley, Clark, Eskridge, Forman, Foster 30th district, Glick, Hanson, Hidden, Hollenberg, Hollister, Irwin, Johnson 1st district, McCartney, Page, Russell, Stratton, Walker and Weisback.

Those voting for Mr. Bliss were, Messrs. Craft, Downing, Emery, Ford, Hiner, Sayer, Snider, Underhill and Vaughn.

Mr. Day having received a majority of all the votes cast was declared duly elected Assistant clerk.

Mr. Griffith nominated H. P. Welsh, of Franklin county, for journal clerk.

The roll was called and the following gentlemen voted for Mr. Welsh :

Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 32d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Downing, Douthitt, Drake, Ellis, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollingberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snider, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

None voting against.

Mr. Welsh having received a majority of all the votes cast was declared duly elected as journal clerk.

Mr. Hidden nominated Mr. Babbitt, of Brown county, for docket clerk.

Mr. Mitchell nominated Mr. Wilson, of Douglas county.

The roll was called and Mr. Wilson received fifty-one votes and Mr. Babbitt received twenty-one.

Messrs. Beeson, Barnett, Bishop, Bottom, Bowman, Brown 54th district, Campbell 32d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Downing, Drake, Ellis, Eskridge, Ford, Foreman, Foster 30th district, Foster 40th district, Fullington, Gordon, Griffith, Grover, Hanson, Harrison, Hawkins, Hollinberg, Hollister, Ide, Jackman, Johnson 1st district, Johnston 70th district, Lee 17th district, Loy, McCartney, Medill, Miller, Mitchell, Page, Russell, Saunders, Snider, Steel, Stratton, Vaughn, Walker and Williams voted for Mr. Wilson.

Messrs. Baker, Bradley, Brown 22d district, Dennison, Douthitt, Emery, Glick, Hidden, Hiner, Lacock, Lattin, Lee 19th district, Means, Rogers, Sayer, Tucker, Underhill, Ward and Weisback voted for Mr. Babbitt.

Mr. Wilson having received a majority of all the votes cast was declared duly elected docket clerk.

For engrossing clerk :

Mr. Douthitt nominated A. S. Thomas, of Shawnee county.

Mr. Rogers nominated Mr. Barnes, of Osage county.

## THE HOUSE.

Mr. Christie nominated Abraham Ellis, of Miami county.

Mr. Ellis received thirty-one votes.

Mr. Thomas received twenty-four votes.

Mr. Randolph received thirteen votes.

Mr. Barnes received six votes.

Messrs. Baker, Beeson, Bowman, Bradley, Brown 22d district, Brown 54th district, Campbell 55th district, Christie, Conrey, Denison, Downing, Ellis, Gwartney, Hanson, Hawkins, Hiner, Hollenberg, Ide, Irwin, Jackman, Lattin, Means, Medill, Mitchell, Sayer, Snyder, Steel, Underhill, Vaughn, Walker and Williams voted for Mr. Ellis.

Messrs. Barrett, Bishop, Bottom, Broadhead, Cobb, Craft, Douthitt, Drake, Foster 30th district, Foster 40th district, Fullington, Gordon, Grover, Hidden, Hollister, Johnson 1st district, Johnston 70th district, Jones, Lee 17th district, Lee 19th district, Miller, Tucker, Ward and Weisback voted for Mr. Thomas.

Messrs. Alford, Campbell 33d district, Clark, Eskridge, Foreman, Harrison, Kinner, Loy, McCartney, Russell, Page, Saunders and Stratton voted for Mr. Randolph.

Messrs. Emery, Ford, Glick, Griffith, Looock and Rogers voted for Mr. Barnes.

No person having received a majority of all the votes cast, the vote was again had with the following result :

Mr. Ellis received forty-one votes.

Mr. Thomas, twenty-six votes.

Mr. Randolph, six votes.

Messrs. Baker, Beeson, Bowman, Bradley, Brown 22d district, Brown 54th district, Campbell 55th district, Christie, Conrey, Denison, Downing, Ellis, Emery, Ford, Foster 40th district, Griffith, Glick, Grover, Hanson, Harrison, Hawkins, Hiner, Hollister, Hollenberg, Ide, Irwin, Jackman, Jones, Kinner, Means, McCartney, Medill, Miller, Sayer, Snyder, Steel, Tucker, Underhill, Vaughn, Walker and Williams voted for Mr. Ellis.

Messrs. Barrett, Bishop, Bottom, Broadhead, Clark, Cobb, Craft, Douthitt, Drake, Foreman, Foster 30th district, Fullington, Gwartney, Gordon, Hidden, Johnson 1st district, Johnston 70th district, Looock, Lattin, Lee 17th district, Lee 19th district, Miller, Russell, Stratton, Ward and Weisback voted for Mr. Thomas.

Messrs. Campbell 83d district, Eskridge, Page, Rogers and Saunders voted for Mr. Randolph.

Mr. Ellis having received a majority of all the votes cast was declared duly elected engrossing clerk.

Mr. Page nominated C. S. Lambdin, of Lyon county, for enrolling clerk.

Mr. Lambdin received seventy-four votes.

Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d dist., Brown 54th dist., Campbell 83d dist., Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foreman, Foster 30th dist., Foster 40th dist., Fullington, Glick, Gordon, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st dist., Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snider, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams voted for Mr. Lambdin.

Mr. Lambdin having received a majority of all the votes cast was declared duly elected enrolling clerk.

Mr. Stratton nominated H. A. Burgess, of Johnson county, for sergeant-at-arms.

The following are those who voted for Mr. Burgess :

Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Broadhead, Brown 22d district, Brown 54th district, Campbell 83d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foreman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Sayer, Snider, Saunders, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

Mr. Burgess having received a majority of all the votes cast was declared duly elected sergeant-at-arms.

Mr. Ford nominated J. S. Dymon, of Douglas county, for assistant sergeant-at-arms.

Mr. Gordon nominated Edward Cobb, of Davis county.

Mr. Cobb received sixty-eight votes.

Mr. Dymon received four votes.

Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th dist., Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Eskridge, Ford, Foreman, Foster, 80th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacoock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snider, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams voted for Mr. Cobb.

Mr. Cobb having received a majority of all the votes cast was declared duly elected as assistant sergeant-at-arms.

Messrs. Horace Gibbs, Jos. Sweeting, Wm. Tucker, Mr. Crawford, Mr. Franklin, A. T. Cleminson, Graham, Downing and Drew were put in nomination for door-keeper.

Mr. Gibbs received thirteen votes.

Mr. Crawford received four votes.

Mr. Franklin received two votes.

Mr. Graham received three votes.

Mr. Downing received fourteen votes.

Mr. Drew received seven votes.

Mr. Cleminson received ten votes.

Mr. Sweeting received twenty votes.

No person having received a majority of all the votes cast, the roll was again called and the vote resulted as follows :

Mr. Gibbs received twelve votes.

Mr. Sweeting received twenty-three votes.

Mr. Cleminson received fifteen votes.

Mr. Downing received twenty-one votes.

Mr. Graham received three votes.

No person having received a majority of all the votes cast, it was unanimously agreed that the names of all candidates, excepting the two receiving the highest vote, should be dropped.

The vote was again taken with the following result :

Mr. Sweeting received twenty-nine votes.

Mr. Downing received forty-four votes.

Mr. Downing having received a majority of all the votes cast was declared duly elected door-keeper.

Messrs. Tuttle, Farran, Williams, Bennett, Murphy, Batty, Griffith and Steele were nominated for pages.

The vote was taken with the following result:

Frank Tuttle received seven votes.

Joseph D. Farran received thirty votes.

Clay Williams received nineteen votes.

William Bennett received thirteen votes.

Marcus Murphy received four votes.

R. T. Bally received two votes.

W. R. Griffith received fifty-two votes.

R. Steel received seven votes.

W. R. Griffith having received a majority of all the votes cast was declared duly elected one of the pages of the House.

No other person having received a majority, on motion of Mr. Russell, all names, except those two having the highest vote, were dropped.

The roll was called with the following result:

J. D. Farran received fifty votes.

Clay Williams received twenty votes.

J. D. Farran having received a majority of all the votes cast was declared duly elected.

The oath of office was administered by the Speaker to the following officers:

A. R. Banks, chief clerk.

John W. Day, assistant clerk.

H. P. Welsh, journal clerk.

C. S. Lambdin, enrolling clerk.

H. A. Burgess, sergeant-at-arms.

D. Cobb, assistant sergeant-at-arms.

Ed. Donnard, door-keeper.

Wm. R. Griffith and J. D. Farran, pages.

On motion, the House adjourned to meet to-morrow at 9 o'clock A. M.

A. R. BANKS,

*Chief Clerk House of Representatives.*

WEDNESDAY, January 14, 1863, 9 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Journal of yesterday read and approved.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to notify the House that the Senate has organized by the election of John Francis, Secretary; J. G. Otis, Assistant Secretary; William Boulton, Journal Clerk; D. Wilson, Docket Clerk; John Van Horn, Engrossing Clerk; A. J. Cook, Sergeant-at-Arms; Leury Crandall, Doorkeeper, and A. S. Bartlett, Messenger, and is now ready for the transaction of business.

JOHN FRANCIS, *Secretary.*

Mr. Glick offered the following resolution, which was adopted :

*Resolved*, That the clerk notify the Senate that the House have organized, and are ready to proceed to business.

Mr. Eskridge offered the following resolution, which was adopted

*Resolved*, That the clerk prepare slips of paper, with the name of each county written thereon; that when thus prepared they be deposited promiscuously in a box, and that as the clerk draws a slip from the box, he shall announce the name of the county on said slip, when the members from such county shall have the privilege to come forward and select seats from among such as shall remain unselected.

Mr. Ide offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed on the part of House to act with such committee on the part of the Senate to notify the Governor that the two Houses are organized and ready to receive any communication from him that he may see proper to make.

Mr. Medill offered the following resolution, which was adopted :

*Resolved*, That we adopt the rules of the House of Representatives of the last Legislature of the State of Kansas, and the joint rules of the two Houses of said Legislature, for the government of this body, till otherwise provided for.

Mr. Russell moved that a committee of three be appointed to prepare and report rules for the permanent government of the House, and to act in conjunction with a committee of the Senate to prepare joint rules for the two Houses. Carried.

Mr. Emery offered the following resolution, which was adopted :

*Resolved*, That the sergeant-at-arms be ordered to furnish each member with a copy of the compiled laws of this State.

The Speaker appointed the following committee to revise the rules : Messrs. Russell, Ide and Eskridge.

The Speaker appointed the following committee to wait on the Governor and inform him of the organization of the House : Messrs. Ide, Douthitt and Saunders.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to notify the House that the Senate have passed the following resolutions and respectfully request your concurrence therein :

*Resolved*, That a committee of three on the part of the Senate be appointed to act with a like committee of the House, to wait on the Governor and inform his excellency that the two Houses are organized and ready to receive any communication he may have to make.

Messrs. McGrew, Thurston and Strickler were appointed such committee on the part of the Senate.

*Resolved*, That a committee of three on the part of the Senate be appointed to confer with a like committee on the part of the House, to report joint rules to govern both Houses.

Messrs. McGrew, Potter and Miller were appointed such committee on the part of the Senate.

JOHN FRANCIS, *Secretary*.

Mr. Eskridge offered the following resolution, which was adopted :

*Resolved*, That the sergeant-at-arms procure a printed copy of the journals of the last session of the Senate and House of Representatives, for each member of this body.

Mr. Russell offered the following resolution, which was laid over under the rule :

*Resolved*, That the sergeant-at-arms supply each member and each officer of the House with four copies of the *Daily State Record* or such other daily paper as each member may elect.



Mr. Russell moved that the members withdraw without the bar to select their seats as called by the clerk. Carried.

On motion of Mr. Medill, the Speaker administered the oath of office to Abraham Ellis, engrossing clerk.

Mr. Ide offered the following resolution, which was adopted :

*Resolved*, That until otherwise ordered, the regular sessions of the House shall commence as follows: Morning session at ten o'clock A. M. Afternoon session at two o'clock P. M.

Mr. Russell offered the following resolution, which was adopted :

*Resolved*, That the sergeant-at-arms be directed to furnish seats in the gallery for the use of spectators, and that desks of members be rendered more convenient by placing a portion of them beneath the gallery.

Mr. Snider offered the following resolution, which was referred to committee on accounts :

*Resolved*, That the sergeant-at-arms be directed to procure a good common clock, to be put up in this room for the especial benefit of the members of this House.

Mr. Brown 22d district offered the following resolution :

*Resolved*, That reporters for the press be invited within the bar of the House, and that chairs and desks be prepared for their accommodation.

Mr. Douthitt moved to amend by inserting that no paper be allowed more than one reporter. Amendment accepted, and resolution as amended was adopted.

Mr. Russell offered the following resolution, which was adopted :

*Resolved*, That the Speaker be requested to invite the various clergymen of this city to alternately open our morning session with prayer, and that each clergyman receive the per diem of a member for each day that he so serves.

On motion, the House adjourned.

## AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absent—Messrs. Barnett, Emery, Ford and Lattin.

The following report was received :

MR. SPEAKER:—The committee appointed to wait upon the Governor respectfully report that they have performed the duty assigned them, and that his excellency will communicate in person with the two Houses this afternoon at three o'clock.

H. W. IDE, *Chairman*.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to notify the House that the Senate has passed the following resolution, and request your concurrence therein :

*Resolved*, By the Senate, the House concurring therein, That the two Houses meet in Joint Convention in the hall of the House of Representatives at three o'clock P. M., to receive a communication from his excellency, the Governor, in person.

JOHN FRANCIS, *Secretary*.

On motion of Mr. Mitchell, the House concurred in Senate resolution.

Mr. Brown offered the following resolution, which was adopted;

*Resolved*, That the sergeant-at-arms be required to put up curtains to the windows of this House.

Mr. Foster offered the following resolution :

*Resolved*, That the sergeant-at-arms be directed to move the stoves, which now incommode several members of this House, into the lobby.

Mr. Russell moved to lay the resolution on the table. Lost.

The question recurring upon the original resolution, it was adopted.

Mr. Saunders offered the following resolution, which was laid on the table :

*Resolved*, That the calling of the roll; at the commencement of the afternoon session, be hereafter dispensed with.

Mr. Douthitt offered the following resolution, which was adopted:

*Resolved*, That each and every person admitted to the floor of this House, as reporter for any newspaper, shall be and is hereby required to report his name and the name of the paper for which he is reporter to the clerk, to be entered on the journal.

The following gentlemen reported in accordance with the foregoing resolution:

D. W. Wilder, reporter for *Leavenworth Conservative*. Louis Weil, *Kansas Zeitung*. Archibald Williams, *Topeka Tribune*. F. G. Adams, *State Record*.

Mr. Russell moved that the House do now adjourn and meet in joint session. Carried.

### JOINT SESSION.

THREE O'CLOCK P. M.

Hon. T. A. Osborn, President of the Senate, in the chair.

Roll of the Senate called by the Secretary.

Quorum of the Senate present.

Roll of the House called by the Chief Clerk.

Quorum present.

Mr. Foster, of the Senate, moved that a committee of three be appointed to wait upon the Governor and inform him that the two Houses have met in joint session, and are ready to receive any communication he may have to make.

The President appointed Senator Foster and Representatives Brown and Saunders as such committee.

The committee reported the presence of Gov. Carney, who delivered in person the following message:

[See Public Documents.—PRINTER.]

On motion, the Joint Convention adjourned.

THURSDAY, January 15, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Journal of yesterday read and approved.

Mr. Russell, chairman of committee on rules, [made the following report]:

**MR. SPEAKER:—**Your committee, appointed to prepare rules for the government of this House, beg leave to submit the following rules:

Rule 1. The Speaker shall take the chair each day, at the hour to which the House shall have adjourned. He shall call to order, and, except in the absence of a quorum, shall proceed to business in a manner prescribed by these rules.

Rule 2. He shall possess the powers and perform the duties herein prescribed, namely:

1. He shall preserve order and decorum.
2. He shall decide all questions of order, subject to appeal to the House. On every appeal he shall have the right, in his place, to assign his reasons for his decision.
3. He shall appoint all committees, except when the House shall otherwise order.
4. He may, in the absence of the Speaker *pro tem.*, substitute any member to perform the duties of the Chair, for a period not exceeding two consecutive legislative days, but for no longer period, except by special consent of the House.
5. When the House shall be ready to go into committee of the whole, he shall name a chairman to preside.
6. He shall sign all bills passed by the House, and certify the passage of all bills that may be passed over the Governor's veto, with the date of their passage.

*Of the Order of Business.*

Rule 3. The first business of each day's session shall be the calling of the roll, after which the journal shall be read and approved.

Rule 4. The order of business, except on days and at times set apart for the consideration of special orders, shall be as follows, to wit:

1. The presentation of petitions.
2. Reports of standing committees.
3. Reports of select committees.
4. Messages from the Governor.
5. Communications from the State officers.
6. Messages from the Senate.
7. Original motions and resolutions.
8. Consideration of motions and resolutions offered on a previous day.
9. Introduction of bills.
10. Second reading and reference of bills.
11. Third reading of bills reported by the committee of the whole.
12. General orders of the day, consisting of bills ready to be considered in committee of the whole.

*Of the Rights and Duties of Members.*

Rule 5. Petitions, memorials, and any other papers addressed to the House, shall be presented by a member in his place or by the Speaker.

Rule 6. Each member presenting a petition, memorial, bill or report of a committee, shall indorse the same with his name or the name of the committee, and a brief statement of its subject, which he shall read in his place.

Rule 7. Each member, within the bar of the House, when a question is stated by the Chair, shall vote thereon, unless he be excused by the House, or have a direct private interest in the question, in which case he shall not vote; and no member shall vote on any question, unless within the bar when his name is called, except it be otherwise ordered by the House.

*Of Order and Decorum.*

Rule 8. Any member claiming the floor shall rise in his place and address the Speaker, and shall not proceed until recognized by him.

Rule 9. While a member is speaking, no other member shall entertain any private discourse or pass between him and the Chair.

Rule 10. While the Speaker is putting a question, or a count is being had, no member shall speak or leave his place.

Rule 11. When the House adjourns, the members and other officers shall keep their seats and places until the Speaker leaves the chair.

*Of Order in Debate.*

Rule 12. No member shall speak twice, to the same general question, without leave ; nor more than once in any case, until every member, desiring to speak, shall have had an opportunity to do so.

Rule 13. If any member, in speaking, transgress the rules of the House, the Speaker shall, or any member may, call him to order ; in which case the member so called to order shall immediately take his seat and retain it, unless he rises to explain or proceed in order.

Rule 14. All questions relating to priority of business shall be decided without debate.

Rule 15. Standing committees, consisting of five members each, except of judiciary and railroads, which shall consist of seven members each, shall be appointed by the Speaker, on the following subjects :

1. Judiciary.
2. Ways and means.
3. Railroads.
4. Federal relations.
5. Banks and currency.
6. Corporations.
7. Internal improvements.
8. Public institutions.
9. Public lands.
10. Elections.
11. Militia.
12. Education.
13. Roads and highways.
14. Printing.
15. Fees and salaries.
16. Counties.
17. County lines and county seats.
18. Agriculture and manufactures.
19. Claims.
20. Accounts.
21. Engrossed bills.
22. Enrolled bills.
23. State library.

Rule 16. It shall be the duty of each committee to inquire into the matter indicated by its name, and to report thereon to the House any information and any bill or resolution which it may deem conducive to the public good.

Rule 17. Bills that have been reported by a standing or select committees, shall constitute the general orders, and their titles shall be recorded in a calendar, prepared by the docket clerk, in the order in which they are reported from the committees.

Rule 18. The business of the general orders shall be taken up as follows: The clerk shall announce the title of each bill as it shall be reached in its order; whereupon it may be taken up on the call of any member, but if not so called, it shall lose its precedence until the entire calendar shall be called. Whenever five bills have thus been called consecutively, the House shall go into committee of the whole upon them without further order.

Rule 19. Each member shall be furnished with a copy of the daily calendar prepared by the docket clerk, which shall include the bills on third reading and the general orders.

Rule 20. Any matter may be made the special order for any particular time or day, by the consent of two-thirds of the members voting.

Rule 21. All general orders pertaining to the organization of new counties or the change of county lines or county seats, shall be the order of the day for Friday of each week, and on that day only; and on that day no other business shall be transacted until all such business is disposed of.

#### *Of Committees of the Whole.*

Rule 22. The same rules shall be observed, in the committee of the whole, as in the House, so far as the same are applicable, except that the previous question shall not apply, nor shall the ayes and noes be taken.

Rule 23. A motion to rise and report progress shall be in order at any stage, and shall be decided without debate.

Rule 24. Bills and other matters shall be considered in committee of the whole in the following manner, viz: They shall first be read through, unless the committee shall otherwise order; and unless the committee shall then strike out the enacting clause, they shall be read and considered by sections, leaving the title to be last considered. All amendments, in their coherence, shall be reported to the House by the chairman.

Rule 25. If, at any time when in the committee of the whole House, it be ascertained that there is no quorum present the chairman shall immediately vacate the chair, and report the fact to the Speaker.

*Of Bills.*

Rule 26. No bill shall be introduced, except as provided in rule 4, unless by unanimous consent.

Rule 27. Each bill, when introduced, shall be sent to the clerk, who shall read its title. This the Speaker shall announce as the first reading of the bill.

Rule 28. Upon the next day it shall be read (by its title, unless five members shall demand its reading in full,) and be referred to the appropriate standing or to a select committee.

Rule 29. When reported favorably by the committee, it shall be printed, (if unfavorably reported upon by the committee it shall not be printed unless the House shall so direct,) and shall take its place on the calendar as a part of the general orders.

Rule 30. After being reported by the committee of the whole, if the bill is not rejected, it shall be engrossed for a third reading.

Rule 31. On the next or some subsequent day, it shall be read third time by sections, and put upon its final passage, without amendment.

Rule 32. Bills reported by the committee of the whole shall still be subject to debate before the question to engross is put; such amendments only shall be in order as were offered in the committee of the whole; and where a bill shall be reported, with the enacting clause stricken out, and the report shall be agreed to by the House, it shall be considered as rejected.

Rule 33. All bills shall be engrossed in the order in which they have been directed to be engrossed by the House.

Rule 34. The question upon the final passage of all bills shall be taken by ayes and noes.

*Of Motions and their Precedence.*

Rule 35. When a question shall be under consideration, no motion shall be received except as herein specified; which motions shall have precedence in the order stated, viz:

1. For adjournment of the House.
2. For a call of the House.
3. For the previous question.
4. To lay on the table.



5. To postpone indefinitely.
6. To postpone to a certain day.
7. To commit to the committee of the whole.
8. To commit to a standing committee.
9. To commit to a select committee.
10. To amend.

Rule 36. The motion to adjourn, for a call of the House, and to lay on the table, shall be decided without amendment or debate. The several motions to postpone or commit shall preclude all debate of the main question.

Rule 37. Every motion shall first be stated by the Speaker or read by the clerk before debate, and again immediately before putting the question; and every motion, except those specified in the 35th rule, shall be reduced to writing if the Speaker or any member desire it; *Provided*, That the motion to amend shall be reduced to writing if required by the Speaker.

Rule 38. When different sums are moved in filling blanks, the question shall first be put on the largest sum and the longest time.

Rule 39. The motion to adjourn shall always be in order.

Rule 40. No motion for reconsideration of any vote shall be in order, unless on the same day or the following legislative day to that on which the decision proposed to be reconsidered took place; nor unless one of the majority shall move such reconsideration. A motion for reconsideration being put and lost, shall not be renewed; nor shall any subject or vote be a second time reconsidered without unanimous consent.

#### *Of Resolutions.*

Rule 41. The following class of resolutions shall lie over one day for consideration, after which they may be called up under their appropriate order of business:

1. All concurrent resolutions,
2. Resolutions containing calls for information on the executive department.
3. Resolutions giving rise to debate, except such as relate to the disposition of matter immediately before the House; such as relate to the business of the day on which they were offered, and such as relate to adjournments.

Rule 42. All resolutions for the printing of an extra number of any document, paper or bill, shall be referred as of course to the standing committee on printing, to consider and report thereon.

Rule 43. All other resolutions calling for or leading to expenditure for the uses of the Legislature, shall be referred to and reported on by the committee on accounts, unless the House shall designate some other committee.

*Of the Previous Question.*

Rule 44. The "previous question" shall be as follows: "Shall the main question now be put?" and until it is decided, shall preclude all amendments or debate. When, on taking the previous question, the House shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The "main question" shall be on the passage of the bill, resolution or other matter under consideration; but, when amendments are pending, the question shall first be taken upon such amendments in their order, and when amendments have been adopted by the committee of the whole, and not acted on in the House, the question shall be taken upon such amendments in like order and without further debate or amendment.

*Of Admissions to the Floor of the House.*

Rule 45. The following classes of persons, and no others, shall have admission to the floor of the House:

1. All members and officers of the Legislature.
2. State officers.
3. Reporters of the public press.
4. Judges for the supreme and district courts.

*Miscellaneous Provisions.*

Rule 46. In all cases of the absence of a quorum during the sessions of the House, the members present may take such measures as they shall deem necessary to secure the presence of a quorum; and may inflict such censure or pecuniary penalty as they may deem just on those who, being called for that purpose, shall render no sufficient excuse for their absence.

Rule 47. The Speaker shall not be compelled to vote except when his vote will change the result.

Rule 48. If any question contain distinct propositions, it shall be divided by the Chair, at the request of any member; but a motion to strike out and insert shall be indivisible.

Rule 49. In all cases where a bill, order, motion, resolution, shall be entered on the journal, the name of the member introducing or moving the same shall also be entered.

Rule 50. The ayes and noes may be taken on any question, when-

ever so required by any five members, (unless a division of ayes and noes be already pending,) and when so taken, shall be entered on the journal.

Rule 51. No rule or order of the House shall be suspended, rescinded or changed, except by a vote of two-thirds of all the members voting.

Rule 52. Concurrent resolutions from either House, and Senate's amendments to House bills, shall be in order at any time when no question is pending.

Rule 53. The call of the House shall be ordered on the demand of any five members, on the taking of a vote on any bill or resolution.

*Duties of Officers of House.*

Rule 54. It is the duty of the chief clerk to keep a faithful record of all the proceedings of the House; to call the roll, report correctly the results of voting, yea and nay, and division votes; read, or cause to be read, the journal, and all bills, resolutions, petitions or other papers which the House may require; deliver all messages to the Senate; deliver all bills to be engrossed to the engrossing clerk, and all bills to be enrolled to the enrolling clerk; certify and present the enrolled bills to the Speaker of the House for his signature.

Rule 55. It is the duty of the assistant clerk to aid the chief clerk in the performance of his duties, and to perform the same in the absence of the chief clerk.

Rule 56. It is the duty of the journal clerk to furnish the chief clerk, each morning, a correct copy of the journal of the preceeding day.

Rule 57. It is the duty of the docket clerk to keep a correct record of the number, title and state of every bill, resolution, memorial, etc., and furnish the sergeant-at-arms, every evening, with a correct copy of the number and title of all bills, etc., that shall come under the head of general and special orders for the ensuing day.

Rule 58. It is the duty of the engrossing clerk to copy, correctly, all bills and other papers ordered to be engrossed, and deliver the engrossed and original copies to the committee on engrossed bills.

Rule 59. It is the duty of the enrolling clerk to copy, correctly, all bills and other papers ordered to be enrolled, and deliver the enrolled and original copies to the committee on enrolled bills.

Rule 60. It shall be the duty of the sergeant-at-arms to deliver to the printer all bills, etc., ordered to be printed, except the journal; return and distribute the printed copies; procure all stationery, fuel, furniture, etc., and execute all orders of the House not otherwise provided for. He shall have the general supervision of the hall of the House of Representatives, committee and clerk rooms.

Rule 61. It shall be the duty of the doorkeeper to see that no person is admitted within the bar, except those admitted by rule or special order; he shall brush and arrange the desks and hall, procure water and keep the hall properly warmed and ventilated, and execute all orders directed to him by the House.

Mr. Griffith moved to amend by striking out the 17th paragraph of rule 15, relating to appointment of committee on county seats and county lines. The motion did not prevail.

Mr. Emery moved that the report of the committee be adopted. Carried.

The committee on joint rules made the following report:

MR. SPEAKER:—The committee appointed by the two Houses to report joint rules for the government of both branches of the Legislature, ask leave to report the following joint rules of the Senate and House of Representatives:

Rule. 1. Each House shall, as soon as organized, report that fact to the other House; and the two Houses shall, by joint committee, inform the Governor that they are ready to receive any communication he may have to make.

Rule 2. Messages from one House to the other, shall be carried by their clerks respectively, unless the House transmitting the message shall specially direct otherwise.

Rule 3. In joint convention of the two Houses, the President of the Senate shall preside.

Rule 4. Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

Rule 5. It shall be in the power of either House to amend any amendment made by the other, to any bill or resolution.

Rule 6. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same was passed.

Rule 7. In case of difference between the two Houses, upon any

subject of legislation, either House may request a conference, and appoint a committee for that purpose; and the other House shall appoint a similar committee. The committees shall meet at the time and place appointed by the chairman of the committee on the part of the House requesting such conference. The committees shall confer upon the cause of difference, with a view to arrive at such modifications and amendments as would secure the agreement of both Houses. The report of the committee shall be in writing, and shall be sent to the House assenting to the conference. When such House shall have acted thereon, it shall transmit the same, with the papers relating thereto, to the other, with a message certifying its action thereon.

Rule 8. It shall be in order for either House to recede from any subject matter of difference subsisting between the two Houses, at any time previous to conference, whether the papers on which such difference arose; are before the House receding, formally or informally.

Rule 9. If the the two Houses adhere to their disagreement, or if as many as two committees of conference have been appointed, and cannot agree, the bill which is the subject of difference, shall be deemed lost, and shall not be revived in either House during that session.

Rule 10. All joint committees, and all committees of conference, shall consist of three members of the Senate, and five members of the House, unless otherwise specially ordered by concurrent resolution.

Rule 11. When a bill or concurrent resolution shall have passed one House, it shall be transmitted to the other, without entering an order on the journal.

Rule 12. After a bill shall have passed both Houses, it shall be neatly enrolled by the enrolling clerk of the House of Representatives.

Rule 13. After a bill is duly enrolled, it shall be examined by the joint committee on enrolled bills, who shall carefully compare the enrolled bill with the engrossed bill, as passed in the two Houses, and correct any errors that may be discovered in the enrolled bill, and report forthwith in writing, which report shall be entered on the journal of the House of Representatives, and they shall return the engrossed bill to the enrolling clerk of the House. After such examination and report, the committee shall present the

bill to the Speaker of the House, for his signature, and to the chief clerk, who shall certify on the back of the roll that the bill originated in the House of Representatives, after which the committee shall present the bill to the President of the Senate, for his signature, and to the Secretary for his certificate. Immediately after a bill is properly signed, the committee shall present it to the Governor for his approval, and report, in writing, to the House of Representatives, the day of the week, and date of the month, on which such bill was so presented, which report shall be entered on the journal of the House.

Rule 14. All joint orders, memorials, resolutions and votes which are to be presented to the Governor for his approval, shall be treated in the same manner as bills.

Rule 15. The committee of each House on legislative expenditures, the State library, enrolled bills and printing, shall act jointly and be considered joint committees of the two Houses.

Rule 16. The general appropriation bill shall be introduced into the House at least ten days before the close of the session, and passed and sent to the Senate at least five days before the close of the session.

Rule 17. No bill, or other paper, shall be printed until so ordered by one or the other House; and such order shall specify the number for both Houses; and when either House makes an order for the printing of any bill or document they shall immediately inform the other House of such order.

Rule 18. Orders to print, unexecuted, expire at the close of the session; and no document shall be printed or delivered, after the final adjournment, unless under some law or resolution of the two Houses.

Rule 19. Whenever there shall be an election of officers, by the joint action of the two Houses, the result shall be certified by the President of the Senate and Speaker of the House, and shall be reported by each to their respective Houses; which report shall be entered on the journal of each, and shall be communicated to the Governor by the clerks of the two Houses jointly.

Rule 20. A majority of the members elect to each House, shall constitute a quorum in that House. And when a quorum is present, a constitutional majority shall have power to pass any bill, and a majority of a quorum shall have power to pass any motion or resolution not specially prohibited by rule, and two-thirds of the members

elected to either House shall have power to pass any bill over the veto of the Governor.

Rule 21 In joint convention of the two Houses, the previous question shall be in the usual form, and when sustained by a majority of the members present, it shall cut off all debate or amendment, and bring the convention to a direct vote, but the vote shall be taken on all pending amendments, in their order, until the main question is reached.

Rule 22. These rules may be changed or suspended, by concurrent resolution, on the vote of two-thirds of the members present in each House.

On motion of Mr. Glick, the report of the committee on joint rules was adopted.

H. W. Bisbee sent in his name for the *Daily Times*, Leavenworth, and was admitted to a seat within the bar.

Mr. Buckingham sent in his name as reporter for the *Leavenworth Bulletin*, and was admitted to a seat within the bar.

Mr. Russell moved that two hundred copies of the rules be printed for the use of the House and Senate.

Mr. Mitchell moved to amend by inserting one hundred and twenty-five.

Mr. Douthitt moved to amend the amendment by including with the rules, of the joint rules of both Houses and standing committees of both Houses.

The amendment to the amendment was accepted.

The question recurring on the amendment, it was carried.

The original motion as amended was adopted.

The following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, January 14, 1863. }

*To the House of Representatives :*

I have the honor to transmit for the consideration of the legislature, copy of certain resolution adopted by the General Assembly of Maryland, deprecating the continued agitation of the slavery question.

Also a communication from Col. Geo. B. Smith, of Chicago, requesting this State to subscribe for twenty copies of the army list.

Also a memorial in behalf of the State of New York in respect to adapting its canals to the defense of the lakes, with the message of the President of the United States commending it to congress.

Also an appeal to congress from His Excellency Oliver P. Morton, Governor of Indiana, advocating the increase of pay of private soldiers.

Also a communication from the executive of the State of Rhode Island inclosing a copy of a resolution adopted by the General Assembly, of that State relative to the increase of the number of cadets at the military academy at West Point.

Also a letter from the secretary of the British and foreign anti-slavery society inclosing an address of the society upon the crisis in the United States, and a letter upon the same subject addressed to the President of the United States.

Respectfully,

THOMAS CARNEY.

[The documents referred to in the foregoing message are to be found on file in office of the Secretary of State.]

A. R. BANKS,

*Chief Clerk House of Representatives.*

The following message was received from the Senate :

MR. SPEAKER —I am directed to notify the House of Representatives that the Senate has passed the following Concurrent Resolution No. 2, in which your concurrence is desired.

JOHN FRANCIS, *Secretary.*

*Resolved* by the Senate, the House of Representative concurring therein, That the thanks of the State are eminently due and are hereby tendered to brigadier general James G. Blunt and the officers and soldiers under his command for the noble services in the recent brief but brilliant military campaign of barely ninety days duration within which period occurred five successful engagements with the enemy, to wit: At Newtonia, in Missouri, at Old Fort Wayne, in the Indian Nation, and at Cane Hill, Prairie Grove and Van Buren, in Arkansas, and which resulted in driving the united rebel forces beyond the Arkansas river in full retreat upon Little Rock and Texas.

*Resolved*, That in the riddance of Western Missouri, Arkansas and the Indian Nation of the rebel hordes and the restoration of peace thereto, the army of the Frontier, under General Blunt's



command, has performed a work for which the friends of the Union in that whole region as well as in Kansas, cannot be too grateful.

*Resolved*, That the intelligence of the nomination by the President to the Senate, of Gen. Blunt to be a major general is hailed with great satisfaction by the representatives of the people of Kansas, as an act justly due to a brave and distinguished officer for the patriotism, gallantry and ability displayed by him in the field, and the valuable services rendered by him both to the nation and the State, and that the prompt and unanimous confirmation of such nomination is looked for with the fullest confidence.

On motion of Mr. Johnson, of Doniphan, the Governor's message and accompanying documents were referred to committee on federal relations.

On motion of Mr. Russell, Senate Concurrent Resolution No. 2 voting thanks to Brigadier General Blunt and his command was referred to a special committee of five.

Mr. Eskridge offered the following resolution, which was referred to the committee on accounts:

*Resolved*, That the sergeant-at-arms carpet the aisles with some suitable but cheap material, which will deaden the sound now produced by walking through them.

Mr. Page offered the following resolution, which was referred to the committee on accounts:

*Resolved*, That the sergeant-at-arms be directed to procure suitable enrolling and engrossing rooms for the clerks of this House.

Mr. Ford offered the following resolution, which was referred to the committee on accounts:

*Resolved*, That the sergeant-at-arms of this House be requested to have the locks on the desks repaired.

Mr. Lacock offered the following resolution:

*Resolved*, That two thousand five hundred copies of the Governor's message be printed for the use of this House—five hundred of which shall be in the German language.

Mr. Russell moved to amend so that three thousand copies of the Governor's message be printed—two thousand for the House and one thousand for the use of the Senate.

Mr. Brown, 22d, moved to amend the amendment so that five

hundred copies be printed in the German language at Leavenworth City, and an appropriation of one hundred and fifty dollars appropriated to pay for the same.

The amendment to the amendment was carried.

The question recurring upon the amendment, Mr. Douthitt offered the following as an amendment thereto :

*Resolved*, That the Secretary of State be directed to have two thousand five hundred copies of the Governor's message printed for the use of the House and Senate—two hundred copies of which shall be in the German language, one thousand copies for the use of the House and five hundred for the use of the Senate.

The amendment to the amendment did not prevail.

Mr. Griffith offered the following amendment :

*Resolved*, That the Secretary of State be authorized to procure, to be printed, two thousand five hundred copies of the Governor's message, for the use of the Senate and House of Representatives, to be distributed in proportion to the number of members of each House—five hundred of which shall be in the German language.

On motion of Mr. —, the resolution in reference to printing Governor's message be referred to a special committee of three on the part of the House and two on the part of the Senate.

On motion, the House adjourned.

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### AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

The Speaker appointed the following special committees :

On Senate Concurrent Resolution No. 2, Messrs. Russell, Medill, Page and Ford.

On printing Governor's message—Ide, Griffith and Stratton.

Mr. Medill offered the following :

House Concurrent Resolution No. 1, authorizing board of State canvassers to canvass the vote for chief justice.

Laid over under the rules.

Mr. Clark offered the following resolution :

*Resolved*, That a select committee of five be appointed to distribute the subject matter of the Governor's message to the standing committees of the House.

Adopted.

Mr. Campbell offered the following resolution, which was adopted :

*Resolved*, That the sergeant-at-arms be authorized to employ an assistant doorkeeper, who shall receive one dollar and a half per diem for his services.

Mr. Bottom offered the following resolution, which was adopted :

*Resolved*, That the sergeant-at-arms be directed to furnish each member of the House with a copy of the journal of the legislature of 1861.

Mr. Tucker offered the following resolution, which was referred to special committee of three.

*Resolved*, That the sergeant-at-arms be directed to furnish each member of this House with a copy of Gunn & Mitchell's map of Kansas at one dollar per copy.

The following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, January 15, 1863.

*To the House of Representatives :*

I herewith transmit for the consideration of the legislature, the annual report of the Secretary of State, Auditor and Adjutant General.

Also, a communication from the Treasurer of State, relative to the delay in the presentation of his annual report.

Respectfully,

T. CARNEY.

[See Public Documents.]

On motion of Mr. Russell, the further reading of the reports of State officers was dispensed with.

Mr. Griffith offered the following resolution :

*Resolved*, That the Speaker be authorized to appoint such assistant clerks as may be needed from time to time, at same per diem as is now allowed the assistant clerks, and such assistants not to be sworn in until their services are required.

Referred to the committee on accounts.

Mr. Douthitt offered the following resolution :

*Resolved*, That the sergeant-at-arms is hereby authorized to employ an assistant, whose pay per diem shall be the same as the sergeant-at-arms.

Referred to the committee on accounts.

The following resolution, offered yesterday, was taken up :

*Resolved*, That the sergeant-at arms supply each member of the House and each of the officers of the House with four copies of the *Daily Record*, or such other daily paper as each member may elect.

Mr. Douthitt offered the following substitute, and moved its adoption :

*Resolved*, That the sergeant-at-arms be required to furnish each member and officer of this House with ten copies of the *Daily State Record*, during the present session.

Ayes and noes were called, and resulted as follows :

Ayes—Douthitt, Glick, Stratton and Ward.—4.

Noes—Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Downing, Drake, Ellis, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnson 70th district, Jones, Kinner, Lacock, Lat-  
tin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snider, Steel, Tucker, Underhill, Vaughn, Weisback and Williams—69.

And so the motion to adopt was lost.

Mr. Grover offered the following resolution :

That the sergeant-at-arms be instructed to furnish to each member and officer of the House, desiring it, five copies of daily papers published in Kansas, of which three shall be the *State Record*, the other two to be selected by the person ordering it.

Mr. Griffith offered the following amendment :

*Provided*, The cost of the same shall not exceed at the rate of eight dollars per annum per copy.

Amendment adopted.

The question recurring upon the original resolution, as amended, be adopted.

The ayes and noes were demanded with the following result:  
Ayes 48. Nays 22.

Ayes—Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Christie, Conrey, Craft, Douthitt, Downing, Drake, Ellis, Eskridge, Foster 40th district, Fullington, Gordon, Griffith, Grover, Hanson, Harrison, Hawkins, Hidden, Hollinberg, Ide, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lee 17th district, Lee 19th district, Loy, McCartney, Medill, Page, Saunders, Sayer, Steel, Stratton, Tucker, Underhill, Weisback and Williams.

Noes—Bowman, Campbell 33d district, Clark, Cobb, Emery, Ford, Forman, Foster 30th district, Gwartney, Hiner, Hollister, Irwin, Jackman, Lacock, Lattin, Means, Mitchell, Rogers, Russell, Snider, Vaughn, and Ward.

The Speaker announced the following committees:

On resolution in reference to Gunn & Mitchell's map—Messrs. Tucker, Gwartney and Jackman.

To distribute subject matter of Governor's message—Messrs Clark, Williams, Fullington, Sayer and Snider.

On motion, the House adjourned.

FRIDAY, January 16th, 1862, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Prayer by the Rev. Mr. Paulson.

Journal of yesterday read and approved.

Mr. Brown moved that that part of the resolution adopted yesterday appropriating one hundred and fifty dollars for printing German copies of the Governor's message be stricken from the journal.

Lost.

The following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, January 15, 1862. }

*To the House of Representatives :*

I herewith transmit for the consideration of the Legislature, the annual reports of the Secretary of State, Auditor and Adjutant General.

Also, a communication from the Treasurer of State relative to the delay in the presentation of his annual report.

Respectfully,

THOMAS CARNEY.

Mr. Russell moved that the reading of the documents accompanying the message be dispensed with and that they be referred to committee on the Governor's message. Adopted.

House concurrent resolution was taken up.

Mr. Glick moved that the resolution be referred to the judiciary committee.

Mr. Ide moved to lay the motion to refer on the table. Carried.

Mr. Eskridge moved to reconsider the vote by which the motion to refer was laid upon the table. Carried.

Mr. Lacock moved the previous question.

Upon which the ayes and noes were demanded and the vote was taken with the following result :

Ayes.—Baker, Campbell 33d district, Clark, Craft, Drake, Ellis, Emery, Ford, Forman, Foster 30th district, Glick, Gordon, Griffith,

Grover, Gwartney, Johnson 1st district, Jones, Lacock, Lattin, McCartney, Miller, Russell, Stratton and Vaughn.—24.

Noes—Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Christie, Cobb, Conrey, Craft, Dennison, Downing, Eskridge, Foster 40th district, Fullington, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnston 70th district, Kinner, Lee 17th district, Lee 19th district, Loy, Means, Medill, Mitchell, Page, Rogers, Sayer, Saunders, Snider, Steel, Tucker, Underhill, Walker, Ward, Weisback and Williams.—50.

So the motion to refer was lost.

Mr. Eskridge moved that the resolution be adopted.

Mr. Downing moved the previous question. Motion carried.

The question recurring upon the adoption of the original resolution, the ayes and noes were demanded and the vote was had with the following result:

Ayes—Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d dist., Brown 54th dist., Campbell 38d dist., Campbell 54th dist., Clark, Conrey, Craft, Dennison, Douthitt, Downing, Ellis, Emory, Eskridge, Ford, Foster 40th dist., Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnston 70th district, Kinner, Lee 19th district, Loy, Means, Medill, Page, Rogers, Saunders, Sayer, Snider, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.—52.

Noes—Baker, Christie, Cobb, Drake, Foreman, Foster 30th district, Fullington, Glick, Gordon, Griffith, Gwartney, Johnson 1st district, Jones, Lacock, Lattin, Lee 17th district, McCartney, Miller, Russell and Vaughn.—20.

And so the resolution was adopted.

On motion, the House adjourned.

## AFTERNOON SESSION.

Two o'clock P. M.

House called to order.

Speaker in the chair.

Mr. Eskridge moved to reconsider the vote by which Senate Concurrent Resolution No. 2 was referred to a special committee.

Mr. Griffith moved to lay the motion to reconsider on the table. Carried.

Mr. Snider offered the following resolution :

*Resolved*, That section 12 of article 2 in the constitution of the State of Kansas be so amended as to read, " All bills may originate in the Senate or in the House of Representatives, and be subject to amendment or rejection by either."

The following message was received from the Senate :

MR. SPEAKER:—I am directed to notify the House that the Senate has appointed Messrs. Brockway and Sherry as a committee on the part of the Senate to confer with a committee of three on the part of the House in reference to printing the Governor's message.

JOHN FRANCIS, *Secretary*.

Mr. Lacock offered the following resolution :

1st. *Resolved*, That we have the utmost confidence in the military skill and ability of Geo. W. Deitzler, colonel First Kansas volunteers, and that in view of his thorough qualifications as manifested during the last eighteen months, in camp and on the field of battle, we respectfully urge upon the Government his appointment to a brigadier generalship of volunteers.

2d. *Resolved*, That our delegation in Congress be requested to urge upon the War Department the appointment above indicated, and that the clerk of the House forward certified copies of these resolutions to the President of the United States, and to each of our Senators and member of Congress, and one to Col. George W. Deitzler.

On motion, the resolution was laid upon the table.

Mr. Lacock introduced House Bill No. 1, "an act to provide for cancelling certain State bonds," which was

Read the first time



Mr. Glick introduced House Bill No. 2, "an act supplemental to an act entitled 'an act to enable the trustees of colleges, academies, universities and other institutions, societies and companies to form bodies corporate,' " which was

Read the first time.

Mr. Ide introduced Bill No. 4, entitled "an act to amend 'an act to provide revenue for the year 1862,' " which was

Read first time.

Mr. Johnson introduced Bill No. 5, entitled "an act to locate the State university," which was

Read the first time.

Mr. Johnson introduced Bill No. 6, entitled "an act relating to costs where the State of Kansas is plaintiff," which was

Read the first time.

Mr. Bowman introduced Bill No. 7, entitled "an act supplemental to an act entitled 'an act to create a lien in favor of mechanics and others, and to regulate the proceedings to enforce the collection of the same,' " which was

Read the first time.

Mr. Emery introduced House Bill No. 8, entitled "an act fixing the time of holding courts in the fourth judicial district," which was

Read the first time.

Mr. Bottom introduced House Bill No. 9, entitled "an act to provide for the appointment of commissioners to locate a State Insane Asylum, and to define their duties and fix their compensation," which was

Read the first time.

Mr. Eskridge introduced Bill No. 10, entitled "an act in relation to hawkers and peddlers," which was

Read the first time

Mr. Glick offered the following resolution, which was adopted: *Resolved*, That in all cases where the standing rules of the House do not provide the rule of action, Cushing's **Manual shall govern.**

Mr. Lacock offered the following resolution, which was adopted:

*Resolved*, That the State Treasurer be requested to furnish this House a full and complete report of the treasury department of the State of Kansas, from the organization of the State government to

the second Monday of January, A. D. 1863, showing the receipts and disbursements of the same, as appears from the books and papers on file in the Treasurer's office.

*Resolved*, That the clerk of the House be required to notify the Treasurer of the adoption of the above resolution.

Mr. Baker offered the following resolution :

*Resolved*, That a committee be appointed to ascertain whether a more suitable hall cannot be had for the use of this body. Adopted.

The following persons were appointed as such committee :— Messrs. Baker, Bottom and Lattin.

Mr. Barrett moved to reconsider the vote on the resolution adopted yesterday relative to daily papers.

Mr. Griffith moved to lay the motion on the table. Lost.

The question recurring upon the original motion, it was lost.

Mr. Glick offered the following resolution :

*Resolved*, That the sergeant-at-arms be directed to furnish each member and officer of this House with six copies of the "Daily Record."

Mr. Russell moved to lay the resolution on the table.

Upon which the ayes and noes [were] demanded with the following result :

**Ayes.**—Barrett, Brown 22d district, Campbell 83d district, Clark, Cobb, Downing, Forman, Ford, Foster 80th dist., Foster 40th dist., Griffith, Grover, Gwartney, Hiner, Jackman, Kinner, Lattin, Lee 19th district, Means, Medill, Miller, Rogers, Russell, Steel and Vaughn.—26.

**Noes.**—Alford, Beeson, Bishop, Bowman, Bottom, Broadhead, Brown 54th district, Campbell 55th district, Christie, Conrey, Craft, Dennison, Douthitt, Ellis, Emery, Eskridge, Fullington, Glick, Gordon, Hanson, Harrison, Hawkins, Hidden, Hollinberg, Hollister, Ide, Irwin, Johnston 1st district, Johnson 70th district, Jones, Lacock, Lee 17th district, Loy, Page, Saunders, Sayer, Snider, Stratton, Tucker, Underhill, Walker, Ward and Williams.—43.

So the motion to lay on the table did not prevail.

Mr. Russell moved to amend by substituting four copies instead of six.

Mr. Beeson moved that the resolution be referred to a select committee of three. Motion prevailed.

And the Speaker appointed the following persons as such committee: Messrs. Beeson, Douthitt, and Johnson of Douglas.

Mr. Eskridge offered House Concurrent Resolution No. 8, relating to a vote of thanks to Col. Cloud.

Laid over under the rules.

Mr. Russell introduced the following bills:

Bill No. 11, entitled "an act relating to suits on foreign judgments," which was

Read the first time.

Also Bill No. 12, entitled "an act relating to the revenue of 1862," which was

Read the first time.

Also Bill No. 13, "an act making a certain appropriation."

On motion, the House adjourned.

SATURDAY, January 17, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absent—Mr. Jones.

Prayer by the Rev. Mr. McVicar.

Journal of yesterday read and approved.

Mr. Tucker, from the select committee relative to Gunn & Mitchell's map, made the following report :

Report of special committee on Gunn & Mitchell's map :

Your committee report that, upon consultation with Mr. Mitchell, one of the proprietors of said map, we have ascertained that their latest issue of September, 1862, can be procured for one dollar per copy. We therefore return the resolution without recommendation.

Mr. Beeson, from special committee relative to daily papers, made the following report :

MR. SPEAKER:—The committee to whom was referred the resolution authorizing the sergeant-at-arms to furnish each member and officer of this House with six copies of the *Daily State Record*, have had the same under consideration and beg leave to report the same back to the House and recommend its adoption with the foregoing amendments or provisions :

*Provided*, That all orders heretofore made by the sergeant-at-arms to furnish the members and officers of this House with any copy or copies of said *Daily Record*, be and the same is hereby rescinded and made void, so far as any such order relates to said *Daily State Record*; *Provided further*, That if the length of the present session shall not exceed forty days the price per copy of said paper shall be two dollars, but if it exceed that time then the price per copy of said paper shall be two dollars and fifty cents for the session.

H. V. BEESON, *Chairman*.

Mr. Eskridge moved the previous question. Carried.

The question recurring upon the adoption of the original report, the ayes and noes were demanded with the following result : Ayes 38. Noes 37.

Those voting in the affirmative were Messrs. Baker, Beeson, Bishop, Bowman, Broadhead, Campbell 55th district, Christie, Conrey, Craft, Dennison, Douthitt, Ellis, Eskridge, Foster 30th district, Fullington, Glick, Gordon, Grover, Hawkins, Hidden, Ide, Johnston 70th district, Kinner, Lee 17th district, McCartney, Miller, Page, Saunders, Sayer, Snider, Stratton, Tucker, Underhill, Ward, Williams and Mr. Speaker.

Those voting in the negative were Messrs. Alford, Barrett, Bottom, Bradley, Brown 22d district, Brown 54th district, Campbell 33d district, Clark, Cobb, Downing, Drake, Emery, Ford, Forman, Foster 40th district, Griffith, Gwartney, Harrison, Hollinberg, Hollister, Irwin, Jackman, Johnson 1st district, Jones, Lacock, Lattin, Lee 19th district, Loy, Means, Medill, Mitchell, Rogers, Russell, Steel, Vaughn, Walker and Weisback.

So the report was adopted.

The committee on providing another hall for the use of the House, made the following report :

The committee appointed to look after another hall, report that they have examined the old hall and in their judgment think it safe, but recommend the House to resolve itself into a committee of the whole and look for themselves.

The committee would also report that the Congregational Church can be had if desired.

H. S. BAKER, *Chairman*.

Report of the committee adopted.

Mr. Ide, from special committee, made the following report :

The committee appointed to act with a committee of two on the part of the Senate, and to whom was referred the printing of the Governor's message and accompanying documents, having had the same under consideration respectfully report the following accompanying resolution for adoption.

H. W. IDE, *Chairman*.

*Resolved*, That the Secretary of State cause to be printed in pamphlet form 2,500 copies of the Governor's message, 500 of which shall be in the German language ; 150 of those in the German language and 700 of the others for the use of the Senate, and the remainder for the use of the House. Also that he cause to be likewise printed in pamphlet form 600 copies of the reports of the Auditor, Adjutant General and Secretary of State in connection

with the message of the Governor, 200 for the Senate and the remainder for the House.

The resolution was adopted.

Mr. Clark, from the special committee, made the following report :

The committee appointed for the purpose of distributing the subject matter of the Governor's message, in accordance with the resolution passed January 15th, inst., would respectfully submit the following report :

1st. An amendment to the Constitution that our citizen soldiery be permitted to vote, referred to committee on judiciary.

2d. To affirm by law the act of the former agents of the State; and to complete the contract made with the Secretary of the Interior, referred to the committee on ways and means.

3d. To advance the benevolent institutions of the State, referred to committee on public institutions.

4th. To advance the educational interests of the State, referred to the committee on education.

5th. To accept the law of Congress of July 2d, 1862, referred to committee on judiciary.

6th. To locate the branch of the Pacific railroad, and to establish a State road system.

7th. To tax foreign insurance companies.

8th. To pass general laws confining local legislation to local authorities, referred to committee on judiciary.

9th. The memorial to Congress, referred to the committee on federal relations.

Respectfully submitted,

N. C. CLARK,  
J. M. SAYER,  
S. J. H. SNIDER,  
B. E. FULLINGTON,  
W. WILLIAMS.

Mr. Russell, from special committee, made the following report and resolution :

MR. SPEAKER:—Your special committee would report the following substitute unanimously, in lieu of Senate Concurrent Resolution No. 2.

ED. RUSSELL, *Chairman*.

*Resolved*, By the House of Representatives, the Senate concurring, That the thanks of the State of Kansas are justly and emi-

nently due and are hereby tendered to our brave soldiers and their gallant officers for the unfading laurels won on so many bloody fields of battle in Kansas, Missouri, the Indian Nation, Arkansas, Tennessee and Mississippi, whereby they have so nobly sustained the glory of the stars and stripes. We thank them for the deeds of valor shown at Wilson's Creek, at Dry Wood, at Corinth, at Holly Springs, at Cane Hill, Newtonia, Prairie Grove and Van Buren, and for the almost innumerable and brilliant skirmishes fought and won in Missouri, Mississippi, Arkansas and Tennessee. We thank them for the undaunted courage they have everywhere displayed, for the noble heroism they have shown in leaving the comforts of home to do battle for the maintenance of the government and the preservation of our liberties.

*Resolved*, That while we cannot be too grateful to the living for their gallantry, we tender our heartfelt sympathies to the surviving friends of our dead heroes, whose memories shall be cherished by a grateful people, and whose names shall be a household word at every hearthstone in our State.

*Resolved*, That the Secretary of State be and he is hereby instructed to forward a copy of these resolutions to our Major Generals, Brigadier Generals, and to the Colonel of every Kansas regiment, with the request that they be read at the head of his regiment in order that thereby our soldiers may be incited to still higher patriotism and nobler deeds.

The resolutions were adopted.

Mr. Tucker, from special committee, reported the following resolution :

*Resolved*, That the sergeant-at-arms procure one copy of Gunn & Mitchell's latest maps of Kansas, for each member of the House, at one dollar per copy.

Resolution was not adopted.

Mr. Ide offered the following resolution, which was laid over :

*Resolved*, By the House of Representatives, the Senate concurring, That the thanks of the Legislature of the State of Kansas are hereby tendered to the gallant and distinguished Col. Ewing of the eleventh regiment of Kansas volunteers, for his skill and heroic conduct on the sanguinary fields of Maysville and Prairie Grove. Entering the army at but a recent date, Col. Ewing has won a name among the military heroes of the war. His career has been one of continued success. His courage has shed new luster on our glow-

ing arms. In the brief but brilliant campaign of the army of the frontier, Col. Ewing has acted a noble and conspicuous part, and much of the success achieved by the battalions of the dauntless Blunt, is due to him.

Born a soldier, educated a civilian, his distinguished services—alike in civil life and the profession of arms—entitle him to the gratitude and esteem of every loyal citizen. His life illustrates the character of the christian, the citizen and the soldier.

We do, therefore, most earnestly recommend Col. Ewing to his excellency, the President of the United States, for promotion.

*Resolved*, That a copy of these resolutions be forwarded by the Governor to the President, and also to Col. Ewing.

Mr. Snider offered the following resolution, which was adopted:

*Resolved*, That hereafter there be no smoking of tobacco allowed within the room during the session.

Mr. Ward offered the following resolution:

*Resolved*, That the sergeant-at-arms be requested to ascertain the profession or occupation, place of residence, birth and age of each member and officer of this House, and have a correct list of the same published and bound with the rules of the House.

Mr. Russell moved to amend so as to furnish the same to the printer to be printed and bound with the rules of the House.

Resolution as amended was adopted.

Mr. Ford moved that the House adjourn until Monday morning, 10 o'clock. Lost.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to notify the House that the Senate unanimously refused to concur in House Concurrent Resolution No. 1, authorizing board of State canvassers to canvass vote for chief justice.

JOHN FRANCIS, *Secretary*.

Mr. Baker introduced Bill No. 14, entitled "an act to repeal section 34 of an act entitled 'an act to provide for the assessment and collection of taxes,'" which was

Read the first time.

Mr. Emery introduced Bill No. 15, entitled "an act to repeal an act entitled 'an act relating to the sale of real property,'" which was

Read the first time.



Mr. Brown introduced Bill No. 16, entitled "an act for the regulation of the penitentiary of the State of Kansas," which was

Read the first time.

Mr. Eskridge introduced Bill No. 17, entitled "an act to authorize school district No. 1 in Lyon county to issue bonds," which was

Read the first time.

Mr. Jackman introduced Bill No. 18, entitled "an act amendatory and supplemental to 'an act to regulate the taking up and posting strays,' approved May 23d, 1861," which was

Read the first time.

Mr. Cobb introduced Bill No. 19, entitled "an act amendatory to 'an act relating to counties and county officers,' approved February 25th, 1860," which was

Read the first time.

Mr. Ide introduced Bill No. 20, entitled "an act in relation to the right of redemption of real estate sold under execution, order of sale or other final process," which was

Read the first time.

Mr. Downing introduced Bill No. 21, entitled "an act concerning State road from Topeka to Council Grove," which was

Read the first time.

Mr. Eskridge introduced Bill No. 22, entitled "an act to provide for the introduction of the Bible in common schools," which was

Read the first time.

Mr. Mitchell introduced Bill No. 23, entitled "an act to establish a ferry across the Kansas river," which was

Read the first time.

Also Bill No. 24, entitled "an act to amend an act approved March 6th, 1862, entitled an act to amend 'an act to provide for the assessment and collection of taxes,' approved February 27th, 1860."

Mr. Ide introduced Bill No. 25, entitled "an act to repeal 'an act to establish a criminal court in Leavenworth county,'" which was

Read the first time.

Mr. Eskridge gave notice that he would at some early day introduce a bill with a proposition to locate the State University.

House Bill No. 1, "an act to provide for cancelling certain bonds," was

Read a second time and referred to committee on judiciary.

House Bill No. 2, "an act supplemental to an act entitled 'an act to enable the trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate,'" which was

Read second time and referred to committee on corporations.

House Bill No. 3, "an act to regulate the agencies of insurance companies not incorporated by the State of Kansas," was

Read second time and referred to the committee on corporations.

House Bill No. 4, "an act to amend 'an act to provide revenue for the year 1862,'" was

Read second time and referred to the committee on finance and taxation.

House Bill No. 5, "an act to locate the State university," was

Read second time and referred to the committee on public institutions.

House Bill No. 6, "an act relating to costs where State of Kansas is plaintiff," was

Read second time and referred to committee on judiciary.

House Bill No. 7, "an act supplemental to an act entitled 'an act to create a lien in favor of mechanics and others, and to regulate the proceedings to enforce the collection of the same,'" was

Read second time and referred to the committee on judiciary.

House Bill No. 8, "an act fixing the time of holding courts in the fourth judicial district," was

Read second time and referred to a special committee.

House Bill No. 9, "an act to provide for the appointment of commissioners to locate a State insane asylum, and to define their duties and fix their compensation," was

Read second time and referred to the committee on public institutions.

House Bill No. 10, "an act in relation to hawkers and peddlers," was

Read the second time and referred to the committee on counties.

House Bill No. 11, "an act to repeal 'an act in relation to suits on foreign judgments,'" was

Read second time and referred to the committee on judiciary.

House Bill No. 12, "an act relating to revenue of 1862," was

Read second time and referred to the committee on finance and taxation.

House Bill No. 13, "an act making certain appropriations," was Read second time and referred to committee on finance.

The Speaker announced the following standing committees :

Judiciary—J. S. Emery, C. H. Grover, G. W. Glick, W. P. Douthitt, W. R. Saunders, Ira J. Lacock, James Rodgers.

Federal Relations—D. T. Mitchell, F. R. Page, H. W. Ide, D. M. Johnston, J. B. Broadhead.

Ways and Means—Ed. Russell, H. W. Ide, G. W. E. Griffith, D. R. Cobb, Geo. Ford.

Banks and Currency—G. W. E. Griffith, R. C. Foster, Samuel Hollister, H. V. Beeson, John M. Ellis.

Corporations other than Banks—W. A. Lattin, J. B. Broadhead, J. H. Jones, L. C. Conrey, R. C. Bradley.

Internal Improvements—C. H. Stratton, R. H. Bishop, D. F. Walker, John M. Ellis, W. D. Downing.

Public Institutions—R. S. Miller, G. W. Glick, G. M. Lee, Horace Tucker, Wm. Harrison.

Elections—S. V. Lee, J. W. Vaughn, James Sayer, Geo. Barrett, H. G. Hollinberg.

Militia—N. C. Clark, Israel Christie, D. G. Campbell, J. H. Jones, A. W. J. Brown.

Education—James Rogers, W. Foster, J. P. Johnson, D. M. Johnston, R. C. Craft.

Roads and Highways—C. F. Drake, T. O'Gwartney, Jackson Means, W. Williams, Jacob Weisbach.

Railroads—W. P. Douthitt, Abram Brown, F. R. Page, J. P. Johnson, G. W. Bowman, G. E. Dennison, R. S. Miller.

Printing—Ira J. Lacock, R. S. Craft, M. W. Bottom, J. Kinner, G. F. Gordon.

Fees and Salaries—S. J. H. Snider, D. T. Mitchell, D. G. Campbell, W. P. Hanson, John T. Ward.

County Seats and County Lines—C. V. Eskridge, John W. Forman, R. C. Foster, C. F. Drake, C. S. Steele.

Counties—Israel Christie, Samuel Hollister, Geo. Barrett, E. A. Alford, A. McCartney.

Agriculture, Manufactures and Mining—James Medill, Richard Bradley, Isaac Hiner, J. Hawkins, J. W. Loy.

**Claims**—Abram Brown, H. S. Baker, James M. Sayer, W. Foster, D. F. Walker.

**Accounts**—G. M. Lee, Ed. Russell, R. C. Foster, Geo. Ford, D. B. Jackman.

**Engrossed Bills**—W. R. Saunders, R. H. Bishop, John T. Ward, John T. Hidden, L. C. Conrey.

**Enrolled Bills**—J. W. Forman, Horace Tucker, D. B. Jackman, J. W. Vaughn, David Underhill.

**State Library**—M. W. Bottom, G. E. Dennison, T. O'Gwartney, S. J. H. Snider, John E. Irwin.

**Public Lands**—J. H. Campbell, B. E. Fullington, H. V. Beeson, David Underhill, J. Hawkins.

On motion, the House adjourned until Monday morning at ten o'clock.

MONDAY, January 19, 1868.

House called to order at 10 o'clock A. M.

The Speaker in the chair.

Roll called. Quorum present.

Absent—Messrs. Barrett, Brown 54th district, Emery, Ford, Gwartney, Johnston 70th district, Jones, Kinner, McCartney, Mitchell, Rogers and Ward.

Prayer by the Rev. Mr. Steel.

Journal of Saturday read, corrected and approved..

Mr. Foster offered the following resolution, which was adopted :

*Resolved*, That the committee on Finance and taxation be instructed to revise the laws in relation to the assessment and collection of taxes, and ascertain what changes if any are necessary therein, in order to a more uniform and less burdensome system of taxation, and report by bill or otherwise.

Mr. Fullington offered the following resolution, which was adopted :

*Resolved*, That it is the imperative duty of each member of this House to avoid all lengthy debate, or anything that will have a tendency to retard or obstruct a vigorous prosecution and speedy performance of our duties here as legislators.

Mr. Saunders offered the following resolution, that was adopted :

*Resolved*, That the Secretary of State be requested to communicate to this House a statement of the amount of rents paid, as well as those to be paid by the State, for the use of rooms occupied by both branches of the Legislature, all State officers and the Supreme Court, with the clerk thereof, from the inauguration of the State government to the first day of January, 1868.

Mr. Brown offered the following Concurrent Resolution No. 5, which laid over under the rules :

Memorializing Congress for an appropriation for public surveys in the State of Kansas,

Mr. Douthitt offered the following resolution, which was laid on the table :

*Resolved*, That the sergeant-at-arms furnish each State officer

with the same number of "Daily Records" that each member of this House is entitled to.

Concurrent Resolution No. 2, relative to adjournment, was taken up.

Mr. Griffith moved that the consideration of the resolution be postponed for three weeks. Carried.

Concurrent Resolution No 3 was then taken up.

On motion of Mr. Eskridge, the words clerk of the House were stricken out and Secretary of State inserted.

Mr. Griffith moved to lay the resolution on the table, which motion prevailed.

House Concurrent Resolution No. 4, voting thanks to Colonel Thomas Ewing, and recommending him for promotion, was then taken up, and was

Referred to committee on militia.

Mr. Jackman introduced House Bill No. 26, entitled "an act providing for the permanent location of the county seat of Bourbon county," was

Read the first time.

Also, Bill No. 27, entitled "an act to exempt the county of Bourbon from the effect and force of 'an act to provide for the regulating of the running at large of swine,'" approved Jan. 28th, 1860, was

Read first time.

Mr. Lee, of Jefferson, introduced House Bill No. 28, entitled "an act to prevent and punish fraudulent voting," which was

Read the first time.

Mr. Vaughn introduced House Bill No. 29, entitled "an act for the government and support of the institution for the education of the deaf and dumb."

Read the first time.

Mr. Lattin introduced House Bill No. 30, entitled "an act to create and regulate fire, marine and merchants' mutual insurance company."

Read the first time.

Mr. Means introduced House Bill No. 31, entitled "an act to declare the road leading from Ohio City, in Franklin county, to Leroy, in Coffey county, a State road."

Read the first time.

Mr. Bishop introduced House Bill No. 32, entitled "an act to provide for the permanent location of the county seat of Saline county."

Read the first time.

Mr. Beeson introduced House Bill No. 33, entitled "an act amendatory to an act entitled 'an act for the regulation and support of common schools.'"

Read the first time.

Mr. Snider introduced House Bill No. 34, entitled "an act to amend 'an act regulating the interest of money, approved Feb. 16, 1860.'"

Read the first time.

House Bill No. 14, "an act to repeal section thirty-four of an act entitled 'an act to provide for the assessment and collection of taxes.'"

Read the second time and referred to the committee on ways and means.

House Bill No. 15, "an act to repeal an act entitled 'an act relating to the sale of real property.'"

Read the second time and referred to the committee on judiciary.

House Bill No. 16, "an act for the regulation of the penitentiary of the State of Kansas."

Read the second time and referred to a select committee of five, consisting of Foster, of Leavenworth, Griffith, Miller, Bottom and Weisback.

House Bill No. 17, "an act to authorize school district No. 1, in Lyon county, to issue bonds."

Read the second time and referred to committee on counties.

House Bill No. 18, "an act amendatory and supplemental to 'an act to regulate the taking up and posting of strays,' approved May 23d, 1861."

Read the second time and referred to the committee on judiciary.

House Bill No. 19, "an act amendatory to 'an act relating to counties and county officers,' approved Feb. 25, 1860."

Read the second time and referred to the committee on counties.

House Bill No. 20, "an act in relation to the right of redemption.

of real estate sold under execution, order of sale, or other final process."

Read the second time and referred to the committee on judiciary.

House Bill No. 21, "an act concerning the State road from Topeka to Council Grove."

Read the second time and referred to committee on roads and highways.

House Bill No. 22, "an act to provide for the introduction of the bible into the common schools."

Read the second time and referred to the committee on education.

House Bill No. 23, "an act to establish a ferry across the Kansas river."

Read the second time and referred to the committee on corporations.

House Bill No. 24, "an act to amend an act approved March 6th, 1862, entitled 'an act to amend an act to provide for the assessment and collection of taxes,' approved Feb. 27, 1860."

Read the second time and referred to the committee on ways and means.

House Bill No. 25, "an act to repeal an act entitled 'an act to establish a criminal court in Leavenworth county,' approved March 4th, 1862, and to restore the criminal jurisdiction of the district court of said county."

Read the second time and referred to a select committee of three, consisting of Messrs. Ide, Grover and Medill.

Mr. Russell moved that the rules be suspended and that the bills read a first time this morning be read the second time and referred to their appropriate committees. Carried.

A point of order being raised on the vote to suspend the rules, the chair ruled that a vote of two-thirds of the House, having a quorum, present, will suspend the rules.

Mr. Glick appealed from the decision of the chair.

The vote being taken, the decision of the chair was sustained.

House Bill No. 26, entitled "an act providing for the permanent location of the county seat of Bourbon county."

Read the second time and referred to the committee on county seats and county lines.



House Bill No. 27, entitled "an act to exempt the county of Bourbon from the effect and force of 'an act to provide for the regulating of the running at large of swine,' approved January 28th, 1860."

Read second time and referred to the committee on agriculture.

House Bill No. 28, entitled "an act to prevent and punish fraudulent voting."

Read the second time and referred to the committee on judiciary.

House Bill No. 29, entitled "an act to provide for the government and support of the institution for the education of the deaf and dumb.

Read the second time and referred to the committee on public instructions.

House Bill No. 30, entitled "an act to create and regulate fire, marine and merchants' insurance companies."

Read the second time and referred to the committee on corporations.

House Bill No. 31, entitled "an act to declare the road leading from Ohio City, Franklin county, to Leroy, in Coffey county, a State road."

Read second time and referred to the committee on roads and highways.

House Bill No. 32, entitled "an act for the permanent location of the county seat of Saline county."

Read the second time and referred to the committee on county seats and county lines.

House Bill No. 33, entitled "an act amendatory to 'an act for the regulation and support of common schools.'"

Read the second time and referred to the committee on education.

House Bill No. 34, entitled "an act to amend 'an act regulating the interest of money,' approved Feb. 16, 1860."

Read the second time and referred to the committee on judiciary.

Mr. Russell moved that the vote by which the resolution asking the appointment of Col. Cloud a brigadier general be reconsidered. Lost.

Mr. Brown offered, by consent, the following resolution:

*Resolved*, That the sergeant-at-arms be requested to cover the floor and gallery with dry saw dust.

Mr. Griffith moved to amend so that the saw dust be put in the gallery and rear of the hall. Lost.

The question recurring on the adoption of the original resolution, it was adopted.

On motion, the House adjourned.

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### AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

Quorum present.

Concurrent Resolution No. 3 was then taken from the table, and:

On motion of Mr. Eakridge, was referred to the committee on militia.

Mr. Griffith offered the following resolution :

*Resolved*, That the sergeant-at-arms be requested to procure from the Secretary of State eight additional copies of the compiled laws for the use of the officers of this House.

Mr. Glick moved to lay the resolution on the table. Carried.

Mr. Foster, of the 80th district, offered the following resolution :

*Resolved*, That the sergeant-at-arms be instructed to procure and furnish each member of the House with a copy of a pamphlet entitled "Public Documents of the State of Kansas for the year 1862." Also, a copy of the laws of 1861 ; also, a copy of the journals of the court of impeachment of John W. Robinson, George S. Hillyer and Charles Robinson.

Mr. Tucker moved to amend so as to include the officers of the House.

The motion to amend prevailed.

The question recurring upon the original resolution as amended, it was adopted.

Mr. Eakridge offered the following resolution, which was referred to the committee on accounts :

*Resolved*, That the seageant-at-arms procure on the most favorable terms, a copy of the latest edition of Gunn & Mitchell's map for each member of the House.

Mr. Dennison introduced House Bill No. 35, entitled "an act prescribing the duties of township assessors in making lists of the deaf and dumb and blind and idiotic persons in their respective townships, and prescribing the duties of county treasurers and State auditor relative thereto."

Read the first time.

Mr. Clark introduced Bill No. 36, entitled "an act relating to county surveyors."

Read the first time.

Mr. Foster introduced Bill No. 87, entitled "an act to provide for the assessment of taxes by townships."

Read the first time.

The special committee, to whom was referred House Bill No. 25, made the following report:

MR. SPEAKER:—The select committee, to whom was referred Bill No. 25, entitled "an act to repeal an act entitled 'an act to establish a criminal court in Leavenworth county,' approved March 5, 1862, and to restore the criminal jurisdiction of the district court," having had the same bill under consideration, beg leave to report the same back to the House, and recommend its passage with this amendment: Insert the word "with" next after the word "proceeded," in section 8.

On motion of Mr. Ide, the House went into committee of the whole for the consideration of Bill No. 25.

After some time spent therein the committee arose, and through its chairman reported back to the House Bill No. 25, entitled "an act to repeal an act entitled 'an act to establish a criminal court in Leavenworth county,' approved March 5, 1862, and to restore the criminal jurisdiction of the district court of said county," and recommend its passage with amendments.

On motion of Mr. Ide, the rules were suspended and the bill

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 69. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d

district, Brown 54th district, Campbell 33d district, Campbell 35th district, Clark, Christie, Cobb, Coarey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Foreman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Hanson, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacoock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Page, Rogers, Russell, Saunders, Sayer, Snider, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback, Williams and Mr. Speaker.

And so the bill passed.

Title agreed to.

On motion, the House adjourned.

TUESDAY, January 20, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Eskridge and Griffith.

Prayer by the Rev. Mr. Alvord.

Journal of yesterday read and approved.

Mr. Clark offered a petition for the amendment of the penal code, signed by John Greble and others, to extend jurisdiction of justices of the peace.

Referred to the judiciary committee.

The following message was received from the Senate :

MR. SPEAKER—I am directed to notify the House that the Senate concurs in the resolution adopted by your honorable body in lieu of Senate Concurrent Resolution No. 2, voting thanks to Brig. Gen. Blunt and his command.

JOHN FRANCIS, *Secretary*.

The committee on judiciary made the following reports :

The judiciary committee have had under consideration a resolution proposing an amendment to section 12, article 2 of the constitution so that bills may originate in either branch of the Legislature, upon which your committee would respectfully report that they are informed that a resolution of similar purport is now under consideration in the Senate. They would, therefore, recommend that the House resolution be indefinitely postponed.

C. H. GROVER,  
Of Judiciary Committee.

The judiciary committee have had under consideration Bill No. 15, which they respectfully report to the House, with the amendment accompanying it, and marked A, and when so amended, they recommend that the bill do pass.

C. H. GROVER,  
Of Judiciary Committee.

Amend section 2 so it shall read as follows :

As soon after the passage of this act as practicable, the Secretary

of State shall cause it to be published once in some newspaper published at Topeka; and this act shall be in force from and after such publication.

The judiciary committee have had under consideration House Bill No. 34, regulating the interest on money, and would ask leave to report the same without recommendation.

C. H. GROVER,

Chairman of Judiciary Committee.

The judiciary committee have had under consideration Bill No. 28, to prevent and punish fraudulent voting, and would ask leave to report in regard to it that, in their opinion, the laws in relation to illegal voting now in force are amply sufficient for the prevention of illegal voting; and that no alteration or amendment is called for; and, furthermore, the provisions of the bill under consideration are too prolix and tedious, and the penalties it authorizes too severe for the purposes to be accomplished. The committee would respectfully recommend that said bill do not pass.

C. H. GROVER,

Chairman of Judiciary Committee.

The judiciary committee have had under consideration House Bill No. 20, entitled "an act in relation to the redemption of real estate sold under execution," &c., and would respectfully submit the following report:

The object of this bill is to amend the law now in force upon the same subject, and in anticipation of the repeal of the entire law governing the redemption of real estate. The committee recommend that the said Bill No. 20 be indefinitely postponed.

C. H. GROVER,

Chairman of Judiciary Committee.

The committee on ways and means made the following report:

Your committee on ways and means would report back House Bill No. 24, "an act to amend an act approved March 6th, 1862, entitled 'an act to amend an act to provide for the assessment and collection of taxes,' approved February 22d, 1860," and would recommend its rejection, believing the passage of the bill would work perniciously for the good of the State, and greatly tend to damage the State finances.

ED. RUSSELL,

Chairman of Committee on Ways and Means.

The committee on ways and means made the following reports:

MR. SPEAKER:—Your committee on ways and means would report back Bill No. 12, "an act relating to the revenue of 1862," and recommend its rejection, as Bill No. 4 covers the same ground.

ED. RUSSELL,

Chairman of Committee on Ways and Means.

MR. SPEAKER:—Your committee on ways and means report back Bill No. 14, "an act to repeal section 34 of 'an act for the assessment and collection of taxes,'" and recommend its rejection, believing that the passage of the bill would tend to damage the finances of the State, and can work no possible good.

EDWARD RUSSELL,

Chairman of Committee on Ways and Means.

MR. SPEAKER:—Your committee on ways and means would report Bill No. 4, "an act to amend 'an act to provide revenue for the year 1862,'" and recommend its passage.

The judiciary committee made the following report :

MR. SPEAKER:—The judiciary committee, to whom the within Bill No. 11 was referred, have considered the same and recommend its passage.

J. S. EMERY, *Chairman.*

The committee on roads and highways made the following reports :

The committee on roads and highways have had under consideration House Bill No. 21, entitled "an act concerning a State road from Topeka to Council Grove," beg leave to report the same back to the House for their consideration, and recommend its passage.

C. F. DRAKE,

Chairman of Committee on Roads and Highways.

The committee on roads and highways, having had under consideration House Bill No. 31, entitled "an act to declare the road leading from Ohio city, in Franklin county, to Leroy, in Coffey county, a State road," beg leave to report the same back to the House and recommend its passage.

The committee on agriculture, to whom was referred House Bill No. 27, have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

JAMES MEDILL, *Chairman.*

Mr. Emery, from special committee, reported back House Bill No. 8 and recommended its passage.

J. S. EMERY, *Chairman.*

Mr. Ford offered Concurrent Resolution No. 6, relative to congressional telegraph and railroad bills introduced by Senator Lane. Laid over under the rules.

Mr. Johnson, of Doniphan, offered the following resolution, which was laid over under the rules :

*Resolved*, That the Secretary of State be requested to furnish the members and officers of the House a copy of all laws, and journals, and public documents of which there are surplus numbers in his office, except the compiled laws of 1862.

Mr. Emery offered the following resolution, which was laid over under the rules :

*Resolved*, That the judiciary committee be authorized to employ a clerk during such times as his services may be needed.

Mr. Hawkins offered the following resolution, which was laid over under the rules :

*Resolved*, That a joint committee of three on the part of the House and two on the part of the Senate be appointed to take into consideration that part of the Governor's message that refers to the extinction of the Indian titles to lands within the State.

2d. That this committee be requested to draw up a petition, memorialising the general government to devise means to extinguish these titles, and to have those lands surveyed and brought into market at the earliest day practicable, and report.

House Concurrent Resolution No. 5, memorializing Congress for a survey of lands and extinguishment of Indian titles in Kansas, was taken up and adopted.

Mr. Ellis introduced House Bill No. 38, entitled "an act regulating inclosures."

Read the first time.

Mr. Campbell introduced House Bill No. 39 entitled "an act to amend an act entitled 'an act relating to the organisation of justice courts and their powers and duties.' "

Read the first time,

Mr. J. P. Johnson introduced House Bill No. 40, entitled "an act providing for the permanent location of the county seat in and for the county of Wabaunsee."

Read the first time.

Mr. Tucker introduced House Bill No. 41, entitled "an act to amend an act entitled 'an act to prevent the firing of woods, marshes and prairies,' approved Feb, 16, 1860."



Read the first time.

Mr. Miller introduced House Bill No. 42, entitled "an act to fund the territorial debt."

Read the first time.

Mr. Christie introduced House Bill No. 43, entitled "an act to amend 'an act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors.'"

Read the first time.

Mr. Sayer introduced House Bill No. 44, entitled "an act for the regulation of sheep breeding."

Read the first time.

House Bill No. 45, entitled "an act declaring the Marias des Cygnes river unfit for navigation."

Read the first time.

Mr. Gordon introduced House Bill No. 46, entitled "an act to amend an act entitled 'an act fixing the fees of the clerk of the supreme court.'"

Read the first time.

Mr. Douthitt introduced House Bill No. 47, entitled "an act to authorize Henry Green to erect and keep a toll bridge across Cow Creek, on the road leading from Council Grove to Santa Fe, New Mexico, at or near Green's Crossing, and fixing the rates of toll for the same."

Read the first time.

Mr. Medill introduced House Bill No. 48, entitled "an act for the encouragement of sheep breeding."

Read the first time.

Mr. Russell introduced House Bill No. 49, entitled "an act to prevent the payment of interest on State or county orders or warrants."

Read the first time.

Also, Bill No. 50, entitled "an act to limit the time within which to present claims against a county."

Read the first time.

Also, House Bill No. 51, entitled "an act to amend 'an act for the regulation of common schools.'"

Read the first time.

Also, House Bill No. 52, entitled "an act to abolish the office of trustee, &c."

Read the first time.

Mr. Downing introduced House Bill No. 53, entitled "an act concerning descents and distributions."

Read the first time.

Mr. Mitchell introduced House Bill No. 54, entitled "an act concerning taxes in Douglas county."

Read the first time.

Also, House Bill No. 55, entitled "an act concerning taxes in Douglas county."

Read the first time.

Joint Resolution No. 1, to amend section 3 of article 2 of the constitution of the State of Kansas.

Read the first time.

House Bill No. 35, "an act prescribing the duties of township assessors, in making lists of the deaf and dumb, blind and idiotic persons in their respective townships, and prescribing the duties of county treasurer and Auditor of State relative thereto."

Read the second time and referred to the committee on counties.

House Bill No. 36, "an act relating to county surveyors."

Read the second time and referred to the committee on counties.

House Bill No. 37, "an act entitled an act to provide for the assessment of taxes by townships."

Read the second time and referred to the committee on ways and means.

On motion of Mr. Emery, the House resolved itself into committee of the whole on House Bills No. 8 and 4.

Mr. Griffith in the chair.

After some time spent therein, the committee arose, and through its chairman reported back to the House Bill No. 4, entitled "an act to amend 'an act providing revenue for the year 1862,'" and recommended its passage without amendment.

Also, House Bill No. 8, entitled "an act fixing the time of holding courts in the 4th judicial district," and recommending its passage without amendment.

On motion, the rules were suspended and House Bill No. 8 was

Read a third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 68. Noes 6.

Those voting in the affirmative were Messrs. Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Dennison, Douthitt, Drake, Ellis, Emery, Eskridge, Ford, Foreman, Foster 30th district, Foster 40th district, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacoek, Lattin, Lee 17th district, Lee 19th district, Loy, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snider, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Alford, Craft, Downing, Fullington, Hiner and Means.

And so the bill passed.

Title agreed to.

On motion, the House adjourned.

## AFTERNOON SESSION.

TWO O'CLOCK, P. M.

The House was called to order.

The Speaker in the chair,

Mr. Ford introduced House Bill No. 56, entitled "an act to encourage the killing of wolves," which was

Read the first time.

On motion of Mr. Ide, the rules were suspended and Bill No. 38, entitled "an act to regulate inclosures," was

Read the second time and referred to the committee on agriculture.

Bill No. 39, entitled "an act to amend 'an act relating to the organization of justice's courts, and their powers and duties,'" was

Read the second time and referred to the committee on judiciary.

Bill No. 40, entitled "an act providing for the permanent location of the county seat in and for the county of Wabaunsee," was

Read the second time and referred to the committee on county seats and county lines.

Bill No. 41, entitled "an act to amend an act entitled 'an act to prevent the firing of woods, marshes and prairies,' approved Feb. 16th, 1860," was

Read the second time and referred to the committee on agriculture.

Bill No. 42, entitled "an act to fund the territorial debt," was

Read the second time and referred to the committee on ways and means.

Bill No. 43, entitled "an act to amend 'an act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors,' approved Feb. 11th, 1859," was

Read the second time and referred to the committee on counties.

Bill No. 44, entitled "an act to regulate sheep breeding," was

Read the second time and referred to the committee on agriculture.

Bill No. 45, entitled "an act declaring the Marias des Cygnes river unfit for navigation," was

Read the second time and referred to the committee on internal improvements.

Bill No. 46, entitled "an act to amend an act entitled 'an act fixing the fees of the clerk of the supreme court, district attorneys, county officers, justices of the peace, constables, witnesses, jurors, referees, appraisers and notaries public,' " was

Read the second time and referred to the committee on fees and salaries.

Bill No. 47, entitled "an act to authorize Henry Green to erect and keep a toll bridge across Cow Creek, on the road leading from Council Grove to Santa Fe, New Mexico, at or near Green's crossing, and fixing the rates of toll for the same," was

Read second time and referred to the committee on corporations.

Bill No. 48, entitled "an act for the encouragement and protection of sheep breeding," was

Read the second time and referred to the committee on agriculture.

Bill No. 49, entitled "an act to prevent the payment of interest on State and county orders or warrants," was

Read the second time and referred to the committee on ways and means.

Bill No. 50, entitled "an act to limit the time within which to present claims against a county," was

Read second time and referred to the committee on counties.

Bill No. 51, entitled "an act to amend 'an act for the regulation and support of common schools,'" was

Read second time and referred to committee on education.

Bill No. 52, entitled "an act to abolish the office of trustee, &c." was

Read a second time and referred to committee on judiciary.

Bill No. 53, entitled "an act to amend 'an act concerning descents and distributions,'" was

Read second time and referred to the committee on judiciary.

Bill No. 54, entitled "on act concerning taxes in Douglas county," was

Read the second time and referred to the committee on ways and means.

Bill No. 55, entitled "an act concerning taxes in Douglas county," was

Read the second time and referred to the committee on ways and means.

Mr. Glick offered the following resolution, which was adopted :

*Resolved*, That the committee on corporations, other than banks, be instructed to inquire into the expediency of providing by general law for the incorporation of coal mining companies.

Mr. Rogers introduced Bill No. 58, entitled "an act to amend an act entitled 'an act regulating the terms of the district court in the several judicial districts,' approved May 20, 1861."

Read the first time.

On motion, the House adjourned.

WEDNESDAY, January 21, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Emery, Johnson 1st district, and Miller.

Prayer by the Rev. Mr. Paulson.

Journal of yesterday read and approved.

Mr. Grover presented a petition signed by

Referred to a special committee, consisting of Messrs. Grover, Gwartney and Medill.

Mr. Saunders made the following report :

MR. SPEAKER :—The committee on engrossed bills have examined House Bill No. 4, entitled, "an act to amend 'an act to provide revenue for the year 1862,' approved March 4, 1862," and find the same correctly engrossed.

WM. R. SAUNDERS, *Chairman.*

Mr. Lee, of Jefferson county, made the following report :

*Resolved*, That the Speaker be authorized to appoint such assistant clerks as may be needed from time to time, at same per diem as is now allowed the assistant clerks, such assistants not to be sworn in until their services are required.

A. R. BANKS,

*Chief Clerk House of Representatives.*

MR. SPEAKER :—Your committee have had under consideration the accompanying resolution and instruct me to report the same back to the House with the recommendation that it may be adopted.

G. M. LEE, *Chairman.*

Also the following resolution :

*Resolved*, That the sergeant-at-arms of this House be required to have the locks on the desks repaired.

MR. SPEAKER :—Your committee have had under consideration the resolution requiring the sergeant-at-arms to have the locks on the desks repaired, and instruct me to report the same back to the House with the recommendation that it be adopted.

G. M. LEE, *Chairman.*

Also—

*Resolved*, That the sergeant-at-arms carpet the aisles in this House with some suitable but cheap material which will deaden the sound now produced by walking through them.

MR. SPEAKER :—Your committee have also had the above resolution before them, and request me to report back to the House with the recommendation that it may be adopted.

G. M. LEE, *Chairman*.

Mr. Griffith moved the resolutions upon which the committee reported favorably be adopted. The motion prevailed.

Mr. Emery, from the committee on the judiciary, made the following report :

MR. SPEAKER :—The committee of the judiciary have had under consideration House Bill No. 39, entitled "an act relating to the organization of justice's courts and their powers and their duties," and instruct me to report the same back to the House and recommend that it be adopted.

J. S. EMERY,

*Chairman Judiciary Committee.*

MR. SPEAKER :—The committee further report that they have under consideration House Bill No. 53, entitled "an act to amend 'an act concerning descents and distributions,' " and instruct me to report the same back to the House without recommending its passage, for the reason that it is inconsistent with section 3 of article 6 of our State constitution.

J. S. EMERY,

*Chairman Judiciary Committee.*

MR. SPEAKER :—The committee on judiciary have had under consideration House Bill No. 3 "an act to regulate the agencies of insurance companies not incorporated in the State of Kansas," and instruct me to report the same back to the House and recommend its passage.

J. S. EMERY,

*Chairman Judiciary Committee.*

MR. SPEAKER :—The committee on the judiciary having had under advisement House Bill No. 7, entitled "an act supplemental to 'an act to create a lien in favor of mechanics and others, and to regulate the proceedings to enforce the collection of the same,'" and instruct me to report the same back to the House recommending its passage.

J. S. EMERY,

*Chairman Judiciary Committee.*

MR. SPEAKER:—The committee on the judiciary having had under consideration the petition to amend the penal code, have instructed me to report the same back to the House without recommending action upon the same, for the reason that existing laws upon the same subject matter are sufficient.

J. S. EMERY,

Chairman Judiciary Committee.

Mr. Lattin, chairman of the committee on corporations, made the following report:

MR. SPEAKER:—Your committee on corporations have had under consideration House Bill No. 2, entitled "an act supplemental to an act entitled 'an act to enable trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate,'" and would recommend its passage.

W. A. LATTIN,

Chairman of Corporations.

MR. SPEAKER:—Your committee on corporations have had under consideration House Bill No. 30, entitled "an act to create and regulate marine and merchants' mutual insurance companies," and would recommend its passage.

The committee on counties made the following report:

MR. SPEAKER:—The committee on counties, to whom was referred House Bill No. 43, entitled "an act to amend 'an act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors,'" respectfully report that they have had the same under consideration, and instruct me to report the same back to the House without amendment and recommend its passage.

T. CHRISTIE, *Chairman*.

MR. SPEAKER:—The committee has had House Bill No. 36, entitled "an act relating to county surveyors," under consideration and direct me to report the same back to the House and recommend its passage.

T. CHRISTIE, *Chairman*.

MR. SPEAKER:—The committee has had House Bill No. 35, entitled "an act prescribing the duties of township assessors in making lists of the deaf and dumb, blind and idiotic persons in their respective townships, and prescribing the duties of county treasurer and Auditor of State relative thereto," under consideration, and instruct me to report the same back to the House without recommendation.

T. CHRISTIE, *Chairman*.



**MR. SPEAKER** :—The committee also have had House Bill No. 17, entitled "an act to authorize school district No. 1 in Lyon county, to issue bonds," and report the same back to the House, and recommend its passage.

**T. CHRISTIE**, *Chairman*.

The following communication was received from W. W. H. Lawrence, Secretary of State :

OFFICE OF SECRETARY OF STATE, }  
Topeka, January 20, 1863. }

*To the Honorable House of Representatives :*

**GENTLEMEN** :—In obedience to a resolution of your House of yesterday date, I herewith transmit a statement from the State Auditor showing the amount of rents, &c., as desired.

I have the honor to remain,

Very respectfully, &c.,

**W. W. H. LAWRENCE**,  
Secretary of State.

**Mr. Baker** offered the following resolution, which was adopted :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending an act entitled "an act exempting certain property from sale upon execution or other process," approved February 7, 1859, so as to lessen the amount of property exempt from sale upon execution.

**H. S. BAKER**.

**Mr. Mitchell** offered Concurrent Resolution No. 7, approving of President's proclamation of January 1st, 1863.

Laid over under the rules.

The following resolution was taken from the table and adopted :

*Resolved*, That a committee of three on the part of the House and two on the part of the Senate be appointed to take into consideration that part of the Governor's message that refers to the extinction of Indian titles to lands within the State.

2d. That this committee be requested to draw up a petition memorializing the general government to devise means to extinguish those titles, and have those lands surveyed and brought into market at the earliest day practicable, and report.

The following resolution was taken from the table and adopted :

*Resolved*, That the judiciary committee be authorized to employ a clerk during such times as his services may be needed.

The following resolution was taken from the table and adopted;  
*Resolved*, That the Secretary of State be requested to furnish the members and officers of the House a copy of all laws, and journals, and public documents of which there are surplus numbers in his office, except the compiled laws of 1862.

House Concurrent Resolution No. 6, approving bill introduced into Congress by Senator Lane in relation to construction of railroads and telegraphs in Kansas, which was

Referred to the committee on railroads.

Mr. Russell introduced House Bill No. 59, entitled "an act for the relief of T. B. Eldridge."

Read the first time.

Mr. Emery introduced House Bill No. 60, entitled "an act for the relief of Anson Storm."

Read the first time.

Also, House Bill No. 61, entitled "an act to amend an act entitled 'an act to establish a code of civil procedure.'"

Read the first time.

Mr. Griffith introduced House Bill No. 62, entitled "an act to provide for the permanent location of the county seat of Franklin county."

Read the first time.

Mr. Glick introduced House Bill No. 63, entitled "an act to amend an act entitled 'an act regulating the terms of the district court in the several judicial districts.'"

Read the first time.

Mr. Conrey introduced House Bill No. 64, entitled "an act to authorize James Williams and Benjamin Abney to keep a ferry on the Marias des Cygnes river."

Read the first time.

Also, House Bill No. 65, entitled "an act to amend 'an act to regulate elections, to prescribe the qualifications of voters and to prevent illegal voting,' approved May 23, 1861."

Read the first time.

Mr. Rogers introduced House Bill No. 66, entitled "an act to amend 'an act to change the terms of the district court in the third and fifth judicial districts.'"

Read the first time.

Mr. Ellis introduced House Bill No. 67, entitled "an act appropriating township money of Wea township, Miami county, to school purposes."

Read the first time.

Mr. Bishop introduced House Bill No. 68, entitled "an act to increase the number of justices of the peace in Elm township, Saline county."

Read the first time.

Mr. Deuthitt introduced House Bill No. 69, entitled "an act relating to the examination of parties to any civil action or proceeding."

Read the first time.

Also, House Bill No. 70, entitled "an act to amend section 58 of an act entitled 'an act for the regulation and support of common schools,' approved May, 1861."

Read the first time.

Mr. Mitchell introduced the following bills :

Bill No. 71, entitled "an act to amend an act entitled 'an act to provide for the assessment and collection of taxes,' approved Feb. 27, 1860."

Also, An act, approved March 6, 1862, entitled "an act to amend 'an act to provide for the assessment and collection of taxes,' approved May 27th, 1860."

Read the first time.

Also, House Bill No. 72, entitled "an act for the relief of Henry Brown."

Read the first time.

Also, House Bill No. 73, entitled "an act concerning evidence."

Read the first time.

Mr. Barret, introduced House Bill No. 74, entitled "an act to confer additional legislative jurisdiction upon tribunals transacting county business in the several counties."

Read the first time.

Mr. Eskridge introduced House Bill No. 75, entitled "an act to amend an act entitled 'an act to organize and discipline the militia.'"

Read the first time.

Mr. Russell introduced House Joint Resolution No. 2 for amendment of section 1, article 14 of the constitution.

Read the first time.

Also, House Joint resolution No. 3, for amendment of section 1, article 14 of constitution.

Read first time.

House Bill No. 36, "an act to encourage the killing of wolves."

Read the second time and referred to the committee on agriculture.

House Bill No. 37, "an act to extend the time for transcribing the records of the Pawnee land district recorder's office."

Read second time and referred to committee on judiciary.

House Bill No. 38, "an act to amend an act entitled 'an act regulating the terms of the district courts in the several judicial districts,' approved May 20, 1861."

Read the second time and referred to the committee on the judiciary.

House Joint Resolution No. 1, to amend section 3 of article 2 of the constitution of the State of Kansas." was

Read the second time and referred to the committee on judiciary.

House Bill No. 4, "an act to amend 'an act to provide revenue for the year 1862,' " was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 62. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Broadhead, Brown 22d district, Brown 54th district, Campbell 23d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Foreman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Russell, Saunders, Sayer, Snider, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

Voting in the negative Mr. Bradley.

And so the bill passed.

Title agreed to.

The House resolved itself in the committee of the whole for the consideration of House Bills Nos. 1, 11, 12, 21 and 24.

Mr. Eskridge in the chair.

After some time spent therein, the committee arose and through its chairman reported back House Bill No. 12, "an act relating to the revenue of 1862," and recommend that the enacting clause be stricken out.

Also, No. 21, "an act concerning the State road from Topeka to Council Grove," and recommending its passage.

On Bills Nos. 1, 11 and 24 the committee reported progress and asked leave to sit again.

Mr. Russell moved that Bill No. 21, entitled "an act concerning the State road from Topeka to Council Grove," be ordered engrossed for a third reading. Carried.

On motion, the House adjourned.

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AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

By consent, Mr. Glick introduced House Bill No. 76, entitled "an act to provide for the custody of the law library of the State of Kansas," which was

Read the first time.

By consent, Mr. Lacock introduced House Bill No. 77, entitled "an act to amend an act entitled 'an act regulating proceedings on writs of habeas corpus,'" which was

Read the first time.

By consent, Mr. Rogers introduced House Bill No. 78, entitled "an act providing for the election of county attorneys, and defining their duties," which was

Read the first time.

By consent, Mr. Emery introduced House Bill No. 79, entitled "an act in relation to the sale of land under mortgage," which was

Read the first time.

Mr. Foster, from the select committee, made the following report:

The special committee, to whom was referred Bill No. 16, entitled "an act for the regulation of the penitentiary of the State of Kansas," respectfully submit that they have had the same under consideration and report the same back to the House with the following amendments, to wit:

Section 1st. After the word "office," in the fifth line, insert "one for one year," and after the word "year" insert "one for three years."

Section 7. After the word "appoint," insert "when necessary," and strike out from and after the word "provided."

Section 11. After the word "approved," in the 4th line, strike out "by the judge of the first judicial district," and insert "by the board of directors herein authorized."

Section 12. Strike out the entire section and insert the following one:

"A director shall hereafter be appointed annually by the Governor, whose appointment shall be confirmed by the Senate, and who shall continue in office for three years from the second Tuesday in January preceding his appointment, and until his successor is appointed and qualified."

Section 13. Strike out the words "five hundred dollars," in the fifth line, and insert "one thousand dollars," and add at the close of the section "and be removed from office."

The committee recommend the passage of the bill as amended.

R. C. FOSTER, *Chairman*.

G. W. E. GRIFFITH,

M. W. BOTTOM,

D. R. COBB,

R. S. MILLER.

Mr. Underhill offered the following resolution, which was adopted:

*Resolved*, That for the better support and encouragement of common schools within this State, the committee on education be instructed to take into consideration the necessity of bringing into market at as early a day as possible the lands donated to the State of Kansas for the support of common schools, denominated sections sixteen and thirty-six, and that said committee be instructed to report by bill or otherwise.

On motion of Mr. Russell, the House resolved itself into a committee of the whole for the consideration of Bills Nos. 10, 15, 21 and 34.

The Speaker resumed his seat, when

A message was received from the Senate:

MR. SPEAKER:—I am directed to notify the House that the Senate has passed Bill No. 25, entitled "an act to repeal 'an act establishing a criminal court.'"

Also, the following resolutions, in which your concurrence is desired :

Concurrent Resolution No. 3, concerning the President's proclamation, and the opening of the Mississippi river, and pledging the aid of Kansas in support of the war.

Concurrent Resolution No: 4, relating to county seats and county lines.

Joint Resolution No. 1, to amend section 12 of article 2 of the constitution of the State of Kansas.

JOHN FRANCIS, *Secretary.*

After some time spent therein, the committee of the whole arose, reported back Bill No. 10 with the enacting clause stricken out.

Also, reported progress on Bills Nos. 15 and 34, and ask leave to sit again.

The report of the committee agreed to.

On motion, the House adjourned.

THURSDAY, January 22, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Barrett, Brown, Clark, Craft, Fullington, Gordon, Ide, McCartney, Tucker and Weisback.

Prayer by the Rev. Mr. Preston.

Journal of yesterday read, corrected and approved.

Mr. Griffith presented a petition of Henry Hiatt and 18 others, praying for a State road from Topeka via Twin Mound to Minneola, which was

Referred to the committee on roads and highways.

Mr. Medill, from the committee on agriculture, made the following report:

MR. SPEAKER:—The committee on agriculture, to whom was referred Bill No. 38, entitled "an act regulating inclosures," have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

JAMES MEDILL, *Chairman*.

Also Bill No. 41, entitled "an act to amend an act entitled 'an act to prevent the firing of woods, marshes and prairies,'" have had the same under consideration, and instruct me to report the same back without recommendation.

JAMES MEDILL, *Chairman*.

Mr. Medill, from the committee on public institutions, made the following report:

MR. SPEAKER:—The committee on public institutions have had under consideration House Bill No. 9, entitled "an act to provide for the appointment of commissioners to locate an insane asylum, and to define their duties and fix their compensation," and instruct me to report the same back to the House without recommendation.

R. S. MILLER, *Chairman*.

Mr. Russell, from the committee on ways and means, made the following report:

MR. SPEAKER:—Your committee on ways and means have had



under consideration Bill No. 42, entitled "an act to fund the territorial debt," and would report back, recommending its passage with the following amendments :

Section 1 shall read as follows :

That, for the purpose of providing for the funding of the territorial debt, the Treasurer of the State of Kansas shall, as soon as practicable, cause to be prepared suitable bonds, dated July 1st, 1868, bearing interest from date at the rate of six per cent. per annum, which shall be payable annually on the 1st day of July, either at the city of New York or at the office of the Treasurer, as the holder may elect. The said bonds shall be signed by the Governor, and countersigned by the Auditor and the Secretary of State, and shall attest the same, and affix the seal of the State of Kansas thereto.

Section 2 shall read as follows :

Coupons for the interest shall be attached to each bond so that the coupons can be removed without injury or mutilating the bonds, and shall be signed by the Treasurer. Said bonds shall be consecutively numbered and registered by the Treasurer, who shall keep a record of his proceedings under this act, showing the amount of bonds issued, their number and date, and to whom issued, and the amount of territorial warrants redeemed.

Section 7, after the words "as heretofore provided," strike out the remainder of the section and insert: But bonds shall not be issued under this act for any certificates, warrants, or bonds issued under the provisions of "an act to provide for the adjustment and payment of claims," approved February 7th, 1859, and of "an act supplementary to 'an act to provide for the payment of claims,' approved February 1st, 1859," or for any other indebtedness other than hereinafter specified.

Section 10. At the close of the section add: And the Treasurer shall cancel all bonds and coupons attached so purchased, and deposit the cancelled bonds with the Auditor of State.

Section 11. After the words "the said Treasurer," insert "Governor and Auditor."

Section 14. Change January to July.

Section 15 be stricken from the bill.

Section 16. Change "first publication" to "publication twice."

ED. RUSSELL, *Chairman.*

The following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, January 21, 1863.

*To the House of Representatives :*

I herewith transmit for the consideration of the legislature, the annual report of the late Superintendent of Public Instructions.

Also, a report of the Penitentiary Commissioners for the year 1862.

Respectfully,

THOMAS CARNEY.

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, January 21, 1863.

*Gentlemen of the Senate and House of Representatives :*

In my message delivered to you upon the opening of your session, I neglected, through inadvertance, to address you upon a subject which I deem of great importance to the State, namely, the territorial indebtedness.

I do not think there can be two intelligent opinions as to the justice and propriety of our assuming, in the capacity of a State government, the legitimate debt which accrued to us while in a territorial condition. This I believe to be conceded by all, or nearly all, of our people. A desire to retrench our expenditures and relieve the burden of taxation, honorable and commendable in itself, should not, and, I trust, will not, stand in the way of our assuming whatever responsibility properly and legally attaches to us.

I am, therefore, heartily in favor of the State declaring itself responsible for the territorial debt, and providing some means for its ultimate payment. The manner of accomplishing this end I leave to your judgment to decide, satisfied that you will do whatever duty requires and necessity demands.

I have reason to believe, from high authority, that this debt, when assumed by the State, will be credited to the State upon the amount of the direct tax of over \$71,000, levied by the federal government in 1861, and yet unpaid; so that, in providing for the payment of this indebtedness at some future period, we lighten the burden which is now pressing and ought to be paid. Aside from the absolute justice of the course recommended, the fact that it can be done with comparatively little present inconvenience, commends it more forcibly to your consideration.

Respectfully,

THOMAS CARNEY.

On motion of Mr. Russell, the report of the penitentiary commissioners for 1862 was ordered to be printed.

Senate Concurrent Resolution No. 3, in relation to county seats and county lines, was taken up and concurred in.

Senate Concurrent Resolution No. 4, concerning the President's proclamation of freedom to the slaves and the opening of the Mississippi river, and pledging the aid of Kansas in support of the war, was taken up and

Referred to the committee on federal relations.

Mr. Griffith offered the following resolution, which was adopted:

*Resolved*, That the committee on agriculture be instructed to inquire what, if any, legislation is necessary to secure the working of the salt springs belonging to the State, to report by bill or otherwise.

Mr. Campbell offered the following resolution, which was adopted:

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of so amending and revising the revenue law as to repeal all exemptions from taxation with a view to a more perfect equalization of taxation between individuals according to their worth and a reduction of the rate of taxes.

Adopted.

Mr. Eskridge offered a resolution that the State temperance society be allowed the use of this hall on next Tuesday evening. Adopted.

Mr. Medill offered a resolution that the sergeant-at-arms be authorized to procure paper-cutters for the members.

Mr. Grover stated that the articles had been procured and were in the Secretary's office, and an order was only necessary that they be furnished.

Adopted.

Mr. Douthitt offered the following resolution, which was adopted:

*Resolved*, That the Secretary of State be and is hereby requested to ascertain whether a building, of suitable halls and rooms for the use of the Legislature and State officers, can be leased for a term of three or five years, and if so, at how much per annum, and report to this House at his earliest convenience.

Mr. Glick offered a resolution, which was adopted, that the committee on ways and means inquire into the expediency of so amend-

ing the tax laws as to make all taxes collectable by the treasury of each county.

House Concurrent Resolution No. 7, indorsing the views set forth by President Lincoln in his proclamation of January 1st, 1863, was taken up and

Referred to the committee on federal relations.

Mr. Lacook introduced Bill No. 80, "an act to provide for the election of county attorneys."

Read the first time.

Mr. Ford introduced Bill No. 81, "an act to locate the State university."

Read the first time.

Mr. Russell introduced Bill No. 82, "an act to amend 'an act to provide for the State printing,' passed May, 1861."

Read the first time.

Mr. Mitchell introduced Bill No. 83, "an act to appropriate money."

Read the first time.

Mr. Vaughn introduced Bill No. 84, "an act to increase the number of justices of the peace in Palmyra township, Douglas county."

Read the first time.

Mr. Dennison introduced Joint Resolution No. 4, memorializing the general government to make the road from Fort Leavenworth to Fort Scott a military road, and make provision for bridging the same.

Read the first time.

The following bills were taken up for second reading :

Bill No. 50, "an act for the relief of T. B. Eldridge."

Read second time and referred to the committee on claims.

Bill No. 60, "an act for the relief of Anson Storm."

Read second time and referred to the committee on claims.

Bill No. 61, "an act to amend an act entitled 'an act to establish a code of civil procedure.'"

Read second time and referred to the committee on judiciary.

Bill No. 62, "an act to provide for the permanent location of the county seat of Franklin county."

Read second time and referred to the committee on county seats and lines.

Bill No. 68, "an act to amend an act entitled 'an act regulating the terms of the district court in the several judicial districts.'"

Referred to a special committee of five, consisting of Messrs. Glick, Russell, Lacock, Hidden and Weisback.

Bill No. 64, "an act to authorize James Williams and Benjamin Abney to keep a ferry on the Marias des Cygnes."

Read second time and referred to the committee on judiciary.

Bill No. 65, "an act to amend an act entitled 'an act to regulate elections and to prescribe the qualifications of voters, and to prevent illegal voting,' approved May 28d, 1861."

Read second time and referred to the committee on elections.

Bill No. 66, "an act entitled 'an act to amend an act to change the terms of the district court in the third and fifth judicial districts,'"

Read second time and referred to the committee on judiciary.

Bill No. 67, "an act appropriating township money of Wea township, Miami county, for school purposes."

Read the second time and referred to committee on counties.

Bill No. 68, "an act to increase the number of justices of the peace in Elm Creek township, Salina county."

Read second time and referred to the committee on judiciary.

Bill No. 69, "an act relating to the examination of parties to any civil action or proceeding."

Read second time and referred to the committee on judiciary.

Bill No. 70, "an act to amend section 58 of an act entitled 'an act for the regulation and support of common schools,' approved May, 1861."

Read second time and referred to the committee on judiciary.

Bill No. 71, "an act to amend an act entitled 'an act for the assessment and collection of taxes,' approved February 27, 1860; also an act approved March 6, 1862, entitled 'an act to amend an act for the assessment and collection of taxes,' approved February 27th, 1860."

Read the second time and referred to the committee on ways and means.

Bill No. 72, "an act for the relief of Henry Brown."

Read second time and referred to the committee on accounts.

Bill No. 73, "an act concerning evidence."

Read second time and referred to the committee on judiciary.

Bill No. 74, "an act entitled an act to confer additional legislative jurisdiction upon tribunals transacting county business in the several counties."

Read second time and referred to the committee on judiciary.

Bill No. 75, "an act to amend an act entitled 'an act to organize and discipline the militia.'"

Read second time and referred to the committee on militia.

Bill No. 76, "an act to provide for the custody of the law library of the State of Kansas."

Read second time and referred to the committee on State library.

Bill No. 77, "an act to amend an act entitled 'an act regulating proceedings under the writ of habeas corpus.'"

Read second time and referred to the committee on judiciary.

Bill No. 78, "an act to abolish the office of district attorney and provide for the creating of the office of county attorney."

Read second time and referred to the committee on judiciary.

Bill No. 79, "an act in relation to the sale of land under mortgage."

Read second time and referred to the committee on judiciary.

House Joint Resolution No. 2, to amend section 3 of article 9 of the constitution.

Referred to the committee on judiciary.

House Joint Resolution No. 3, to amend section 1 of article 14 of constitution.

Referred to the committee on judiciary.

House Bill No. 21, "an act concerning the State road from Topeka to Council Grove," was taken up and

Read a third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 68. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Irwin, Jackman, Johnson 1st district, Johnson 70th district, Jones,

Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snider, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

And so the bill passed.

Title was agreed to.

The House resolved itself into committee of the whole for the consideration of Bills No. 1, 2, 7, 11 and 14.

After some time spent therein, the committee of the whole arose, and through its chairman reported back to the House Bill No. 1, and recommended its passage without amendment.

Also Bill No. 2, and recommended its passage with amendments.

Also Bill No. 7, and recommended its passage with amendments.

The report of the committee was agreed to.

On motion, the House adjourned.

## AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

The House resolved itself into committee of the whole for the consideration of Bills No. 15, 24, 27, 31 and 34.

Mr. Tucker in the chair.

The Speaker resumed his seat, when the following message from the Senate was received :

MR. SPEAKER—I am directed to notify the House that the Senate has passed Bill No. 8, "an act fixing the time of holding courts in the fourth judicial district."

JOHN FRANCIS, *Secretary.*

House resumed consideration of bills in committee of the whole.

After some time spent therein the committee arose, and through its chairman reported back Bill No. 27, with the recommendation that it be referred to the committee on counties.

Bill No. 15 with amendments, and recommended its passage.

Bill No. 24, with a recommendation that it be placed upon the general order, and

Bill No. 31, with a recommendation that it be passed.

Report of the committee was agreed to.

Mr. Mitchell offered the following resolution, which was adopted:

*Resolved*, That the sergeant-at-arms be requested to furnish an additional supply of chairs for the use of this House.

Mr. Lee, from the committee on accounts made the following report:

MR. SPEAKER :—Your committee have had under consideration the accompanying resolution, requiring the sergeant-at-arms to procure suitable rooms for the engrossing and enrolling clerks, and instruct me to report the same back to the House with the recommendation that it be adopted.

G. M. LEE, *Chairman*.

Report adopted.

On motion, the House adjourned.



FRIDAY, January 23rd, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Drake, Harrison and Ward.

Prayer by the Rev. Mr. Pankon.

Journal of yesterday read and approved.

Mr. Emery, from the committee on judiciary, made the following reports :

Bill No. 64, to authorize B. Abney and J. Williams to keep a ferry, and recommend that it do not pass.

Also, Joint Resolution No. 3, providing for amendments of the constitution relative to the manner in which amendments of the constitution may be made, recommending that it be rejected.

J. S. EMERY, *Chairman.*

A message from the Governor was then received by his private secretary, Mr. Burlingame.

Mr. Emery, from the committee of the judiciary, also reported Joint Resolution No. 2, relative to the amendment of the constitution, so that county officers may hold their offices for such term as may be fixed by law, with the recommendation that it be rejected.

Also, Bill No. 58, "an act relating to the terms of the courts in the several judicial districts," recommending its passage.

Also, Bill No. 66, "an act to change the terms of the courts in the 3d and 5th judicial districts," recommending its passage.

Also, Bill No. 57, "an act to extend the time for transcribing the records of the land district recorder's office," and recommend its passage.

Also, Joint Resolution No. 1, providing for the amendment of the constitution, so that members of the Legislature shall not receive more than ninety dollars for each session, instead of one hundred and fifty as at present. The committee recommend that the resolution be rejected.

Mr. Lee, from the committee on elections, made the following report :

**MR. SPEAKER:**—Your committee on elections has had House Bill No. 65, entitled "an act to amend 'an act to regulate elections,'" and to prescribe qualifications of voters, and to prevent illegal voting,' approved May 23, 1861," under consideration, and would recommend its rejection.

Mr. Stratton, from the committee on internal improvements, made the following report:

**MR. SPEAKER:**—The committee on internal improvements, has had under consideration House Bill No. 45, entitled "an act declaring the Marais des Cygnes river unfit for navigation," and beg leave to report the same back to the House and recommend its passage.

Mr. Christie, from the committee on counties, made the following report:

**MR. SPEAKER:**—The committee on counties have had under consideration House Bill No. 50, "an act to limit the time for presenting claims against counties," with amendments, and recommend its passage.

Also, Bill No. 67, "an act appropriating township money of Wea township, Miami county, for school purposes," and recommend its passage.

Mr. Forman, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**—The committee on enrolled bills have examined House Bill No. 25, and find the same correctly enrolled.

JOHN W. FORMAN, *Chairman*.

Mr. Medill, from the committee on agriculture, made the following report:

House Bill No. 48, "an act for the encouragement and protection of sheep breeding," and recommended its passage.

Also, Bill No. 44, on the same subject, and recommended that it do not pass.

Mr. Glick, from the special committee, made the following report:

**MR. SPEAKER:**—Your committee have had under consideration House Bill No. 63, entitled "an act to amend an act entitled 'an act regulating the terms of the district court in the several judicial districts,'" and recommend the adoption of the foregoing substitute therefor.

G. W. GLICK, *Chairman*.

The following message was received from the Governor, and referred to the committee on ways and means :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, January 23, 1863. }

*Gentlemen of the Senate and House of Representatives :*

One of your highest duties is to care well for the citizen soldiers of Kansas.

I am unable to state officially the number of brave men we have in the field, nor am I able, officially, to inform you of their sanitary condition.

The Legislature, as well as the people of the State, should have this information. It is my intention to visit the regiments of Kansas as soon as my official duties will permit, however distant may be their camps—whether they are in Missouri or Arkansas, in Tennessee or Mississippi; I desire, if I can, to see all of them.

This is a duty I owe our heroic soldiers and people. I owe it to myself, too, because by personal inspection I can learn their actual condition, their wants and necessities, and how these wants and necessities may be best met.

But as I cannot leave the State for some time, I wish meanwhile that the Kansas regiments far away from home should know that the feeling at home in their behalf is both practical and earnest.

I suggest, then, that provision shall be made by the Legislature for the selection of some suitable person, who shall visit these regiments immediately, and report as speedily as it may be to ensure accuracy of detail, the number of Kansans now in the service, the number who have fallen on the battle field, or by disease in the hospitals; the general health of our soldiers, and what may or can be done by the State to relieve the sick and suffering, or to encourage the strong and hardy among them.

I wish to husband well the means of the State—to avoid any expenditures not essential to the public interest—but I consider this absolutely necessary.

I respectfully ask, then, the legislation necessary for the accomplishment of this end, and an appropriation which shall be made sufficient to cover the expenses incident thereto.

Respectfully,

THOMAS CARNEY.

The following communication was received from the Secretary of State, and referred to the committee on ways and means :

OFFICE OF SECRETARY OF STATE, }  
Topeka, January 22d, 1868. }

*To the Honorable the House of Representatives :*

I herewith transmit for the consideration of the House of Representatives a certified copy of a proposition by Messrs. Gordon, Mills and Farnsworth, to furnish buildings for State purposes.

I have the honor to be,

Very respectfully, &c.,

W. W. H. LAWRENCE,  
Secretary of State.

*To the Honorable the Secretary of State :*

The undersigned respectfully submit the following proposition, to wit:

To furnish for the use of the State, for a term of five years or more, a good substantial stone and brick building in a convenient locality, in the city of Topeka, to contain—

- 1st. A hall 40 by 60 feet.
- 2d. A hall 32 by 42 feet.
- 3d. A room 20 by 60.
- 4th. A room 16 by 25.
- 5th. Four rooms 20 by 25 feet each.
- 6th. Suitable outhouses and apartments for fuel.

The State paying for the use of the same the sum of \$1,450 per annum.

The undersigned will also furnish in addition, if desired, in the same building, a hall suitable for a court room, a clerk's office, and three committee rooms, for the additional rent of \$450—in the aggregate, \$1,900.

The whole to be completed by the 1st of July, 1868.

Signed,

W. L. GORDON,  
T. MILLS,  
L. FARNSWORTH.

I certify that the foregoing is a true copy of the original filed in my office.

W. W. H. LAWRENCE,  
Secretary of State.

[L. S.]

Mr. Saunders, from the committee on engrossed bills, made the following report:

MR. SPEAKER:—The committee on engrossed bills have examined House Bill No. 31, "an act to declare the road leading from Ohio City, in Franklin county, a State road;"

House Bill No. 15, "an act to repeal an act entitled 'an act relating to the sale of real property;'"

House Bill No. 1, "an act to provide for cancelling certain State bonds;"

House Bill No. 34, "an act to amend an act entitled 'an act regulating the interest of money,' approved February 16, A. D. 1860," and

House Bill No. 7, "an act supplemental to an act entitled 'an act to create a lien in favor of mechanics and others, and to regulate the the proceedings to enforce the collection of the same,' approved March 4, 1862," and find them correctly enrolled.

W. R. SAUNDERS, *Chairman*.

Mr. Jackman offered the following resolution, [which was] laid on the table :

*Resolved*, That the sergeant-at-arms be instructed to furnish each of the standing committees of the House with one copy of the latest edition of Gunn & Mitchell's map.

Mr. Ford offered the following resolution, which was adopted :

*Resolved*, That the committee on agriculture be requested to inquire into the expediency, and if necessary, report a bill regulating the marking and branding of stock.

Mr. Beeson offered the following resolution, which was adopted :

[*Resolved*,] That the committee on education inquire what further legislation is necessary to prevent trespass on school lands.

Mr. Emery offered the following resolution, which was adopted :

*Resolved*, That the committee on agriculture be instructed to inquire into the expediency of the State aiding, by appropriation, the development of the coal oil springs and mines in Miami county, and report at their earliest convenience.

Mr. Russell offered the following resolution, which was adopted :

*Resolved*, That the printer be directed to print one hundred copies of all bills ordered by this House, for the use of the House.

Mr. Vaughn asked leave to withdraw Bill No. 29 from the committee on public instruction. Granted.

Mr. Tucker offered the following resolution, which was laid over under the rules :

*Resolved*, That a special committee of three be appointed to con-

sult with the Governor in regard to the best method of transferring any moneys now due this State, and in the hands of the General Government, to the treasury of the State.

Mr. Forman offered the following resolution, which was adopted :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of proposing an amendment to section 1, article 10 of the constitution of the State of Kansas, providing for a reduction of the number of Senators and Representatives to the Legislative Assembly.

The following bills were introduced and read the first time :

Mr. Emery introduced Bill No. 85, "an act making an appropriation for educating the deaf and dumb children of the State of Kansas for the year 1863."

Mr. Stratton introduced Bill No. 86, "an act to legalize the collection of taxes in Johnson county."

Mr. Hawkins introduced Bill No. 87, "an act to raise funds for educational purposes."

Also, Bill No. 88, "an act relating to inclosures."

Mr. Snyder introduced Bill No. 89, "an act relating to mills and millers and the rates of toll."

Mr. Downing introduced Bill No. 90, "an act concerning Miami and Peketon counties."

Mr. Hanson introduced Bill No. 91, "an act amending the justices act."

Mr. Barrett introduced Bill No. 92, "an act to change the name of Grasshopper Falls, Grasshopper Falls township, and the Grasshopper river."

Mr. Lacock introduced Bill No. 93, "an act to amend the act regulating crimes."

Bills on second reading :

Bill No. 80, "an act to provide for the election of county attorneys, and prescribing their duties."

Read second time and referred to the committee on judiciary.

Bill No. 81, "an act to locate the State University."

Read the second time and referred to the committee on public institutions.

Bill No. 80, "an act to amend 'an act to provide for State printing,' passed May, 1861."

Read the second time and referred to the committee on printing.

Bill No. 83, "an act to appropriate money."

Read the second time and referred to the committee on ways and means.

Bill No. 84, "an act to increase the number of justices of the peace in Palmyra township, Douglas county."

Read second time and referred to the committee on judiciary.

House Joint Resolution No. 4, memorializing the general government to make the road from Fort Leavenworth to Fort Scott a military road, and to make provision for bridging and improving the same.

Read the second time and referred to the committee on federal relations.

Bill No. 1, entitled "an act to provide for the cancelling of certain bonds," was taken up and

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 71. Noes 0.

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Foreman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st dist., Johnston 70th dist., Jones, Kinner, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

And so the bill passed.

Title was agreed to.

House Bill No. 7, "an act supplemental to an act entitled 'an act to create a lien in favor of mechanics and others, and to regulate the proceedings to enforce the collection of the same,'" was taken up and

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 68. Noes 2.

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

Those voting in the negative were Messrs. Ellis and Saunders.

And so the bill passed.

The title was agreed to.

House Bill No. 15, "an act to repeal an act relating to the sale of real estate," was taken up and

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 60. Noes 9.

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Craft, Dennison, Douthitt, Downing, Drake, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Vaughn, Weisback and Williams.

Those voting in the negative were Messrs. Christie, Conrey, Ellis, Gordon, Hiner, Johnston 70th district, Miller, Underhill and Walker.

And so the bill passed,

The title was agreed to.

House Bill No. 81, "an act to declare the road leading from Ohio City, in Franklin county, to Leroy, in Coffey county, a State road," was taken up and

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 72. Noes 0.



Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 54th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foreman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

And so the bill passed.

The title was agreed to.

House Bill No. 34, "an act to amend 'an act regulating the interest of money,' approved February 16th, 1860," was taken up.

Mr. Russell moved that the bill be considered by sections. The motion did not prevail.

Mr. Glick having voted with the majority, moved a reconsideration of the vote by which the motion to consider the bill by sections was lost. Carried.

The question being upon the motion to consider by sections, it prevailed.

Mr. Russell moved to strike out the "ten" in the second section.

The ayes and noes were called and the vote resulted as follows :  
Ayes 16. Noes 54.

Those voting in the affirmative were Messrs. Barrett, Brown 22d district, Brown 54th district, Campbell 55th district, Cobb, Emery, Foster 40th district, Griffith, Grover, Harrison, Ide, Medill, Miller, Rogers, Russell and Vaughn.

Those voting in the negative were Messrs. Alford, Beeson, Bishop, Bowman, Bradley, Broadhead, Campbell 33d district, Clark, Christie, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Foreman, Foster 40th district, Fullington, Glick, Gordon, Gwartney, Hanson, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Irwin, Jackman, Johnston 1st district, Johnson 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Page, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Weisback, Williams and Mr. Speaker.

So the motion did not prevail.

Mr. Glick moved to strike out the word "five" in the second second section, and insert the word "six." The motion prevailed.

On motion of Mr. Glick, the second section, as amended, was adopted.

Mr. Hiner moved that section three be adopted. Carried.

Mr. Glick moved to strike out the word "five" in section four, and insert in its stead the word "six." The motion prevailed.

On motion of Mr. Glick, the fourth section was adopted as amended.

On motion of Mr. Glick, the fifth section was adopted.

Mr. Glick moved that the bill be considered as engrossed and ordered to a third reading. The bill was then

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 61. Noes 7.

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Campbell 38d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Downing, Drake, Ellis, Emery, Eskridge, Ford, Forman, Foster 40th district, Fullington, Glick, Gordon, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollister, Ide, Irwin, Jackman, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Page, Rogers, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Weisback, Williams and Mr. Speaker.

Those voting in the negative were Messrs. Foster 80th district, Griffith, Grover, Medill, Miller, Russell and Vaughn.

And so the bill passed.

The title was agreed to.

By consent, Mr. Russell, from the committee on accounts, made the following report:

MR. SPEAKER:—The committee on accounts have had under consideration a bill to allow the judiciary committee a room, and report the same back recommending its passage.

EDWARD RUSSELL, *Chairman.*

On motion, the resolution was adopted.

On motion, the House adjourned until to-morrow morning at 10 o'clock.

SATURDAY, January 24, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Cobb, Medill and Mitchell.

Prayer by the Rev. Mr. McVicar.

Journal of yesterday read and approved.

Mr. Drake presented a petition of P. T. Weaver and others, for a State road from Leavenworth to Fort Scott, which was

Referred to committee on roads and highways.

Mr. Campbell presented remonstrances from — Keeler and forty-four others, and C. E. Pratt and others, which was referred to the same committee.

Mr. Saunders, from committee on engrossed bills, made the following report:

MR. SPEAKER:—The committee on engrossed bills have examined House Bill No. 2, "an act supplemental to an act entitled 'an act to enable the trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate,'" and find it correctly engrossed.

WM. R. SAUNDERS, *Chairman*.

Mr. Emery, from the committee on judiciary, made the following reports:

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 73, entitled "an act concerning evidence," and beg leave to report the same back to the House and recommend its passage.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The judiciary committee having had under consideration Bill No. 84, entitled "an act to increase the number of justices of the Peace in Elm Creek township, Salina county," have directed me to report, as a substitute therefor, the accompanying bill, entitled "an act authorising county commissioners to increase

or diminish the number of justices of the peace in any township," and recommend its passage.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 70, entitled "an act in relation to the sale of land under mortgage," and report the same back to the House without recommendation.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The committee on judiciary have had under consideration Resolution No. 1, to amend section 12 of article 10 of the constitution of the State of Kansas, and the undersigned, members of said committee, recommend its adoption.

G. W. GLICK,  
JAMES ROGERS,  
W. P. DOUTHITT,  
WM. R. SAUNDERS,  
C. H. GROVER.

MR. SPEAKER:—We, the undersigned, members of said committee, dissent from the above report of the majority, and recommend the said resolution be rejected.

J. S. EMERY, *Chairman*.

IRA J. LACOCK.

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 74, entitled "an act to confer additional legislative jurisdiction upon tribunals transacting county business in the several counties," and report it back to the House and recommend its rejection.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 69, entitled "an act relating to the examination of parties to any civil action or proceeding," and instructed me to report, as a substitute therefor, the accompanying bill, entitled "an act relating to the examination of parties to any civil action or proceeding," and recommend the passage of the same.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The [judiciary] committee have had under consideration Bill No. 52, entitled "an act to abolish the office of trustee," &c., and report it back to the House and recommend its rejection.

J. S. EMERY, *Chairman*.

## THE HOUSE.

**MR. SPEAKER:**—The judiciary committee having had under consideration Bill No. 6, entitled "an act relating to costs where the State of Kansas is plaintiff, and to regulate the taxing of costs in criminal cases before justices of the peace," have directed me to report, as a substitute therefor, the accompanying bill, entitled "an act relating to costs in criminal cases," and recommend the passage of the same.

**J. S. EMERY, Chairman.**

Mr. Emery moved that Bill No. 69 be printed. The motion prevailed.

Mr. Forman, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**—The committee on enrolled bills having examined House Bill No. 8, entitled "an act fixing the time of holding courts in the fourth judicial district," find the same correctly enrolled.

**JOHN W. FORMAN, Chairman.**

Mr. Emery offered the following resolution, which was adopted:

*Resolved*, That the committee on agriculture, manufactures and mining inquire what measures can be adopted to ascertain the value, capacity and character of the salt springs of this State, and to stimulate the manufacture of salt from the same, and to report by bill or otherwise.

**J. S. EMERY.**

Mr. Beeson offered the following resolution, which was adopted:

*Resolved*, That the committee on printing be instructed to report to this House, by bill or otherwise, if the laws of the present session cannot be printed and delivered to the several counties by the middle of July next, or sooner than they have heretofore been.

The following resolution, offered yesterday, was taken up, which was

Referred to the committee on ways and means.

*Resolved*, That a special committee of three be appointed to consult with the Governor in regard to the best method of transferring any moneys now due this State, and in the hands of the General Government, to the treasury of the State.

Mr. Eskridge introduced House Bill No. 94, entitled "an act to limit judicial proceedings by or for persons indicted for treason or misprision of treason, disloyal persons and rebels."

Read the first time.

Mr. Griffith introduced House Bill No. 95, entitled "an act to establish a road from Topeka to Marias des Cygnes river, via Twin Mounds, Centropolis and Minneola."

Read the first time.

Mr. Douthitt introduced House Bill No. 96, entitled "an act to amend section 192 of an act entitled 'an act to establish a code of civil procedure,' approved February 11th, 1859."

Read the first time.

Mr. Miller introduced House Bill No. 97, entitled "an act to amend an act entitled 'an act to establish a code of civil procedure,' approved February 11th, 1859."

Read the first time.

Mr. Page introduced House Bill No. 98, entitled "an act to amend 'an act fixing the fees of the clerk of the supreme court, district attorney and county officers,' &c."

Read the first time.

House Bill No. 85, "an act making an appropriation for educating the deaf and dumb children of the State of Kansas for the year 1868."

Read the second time and referred to the committee on ways and means.

House Bill No. 86, "an act to legalize the collection of taxes in Johnson county."

Read second time and referred to committee on judiciary.

House Bill No. 87, "an act to raise funds for educational purposes."

Read second time and referred to committee on education.

House Bill No. 88, "an act to amend 'an act regulating inclosures,' approved February 11th, 1859."

Read the second time and referred to the committee on agriculture.

House Bill No. 89, "an act relating to mills and millers and the rates of toll."

Read a second time and referred to committee on judiciary.

House Bill No. 90, "an act concerning Marion and Peketon counties."

Read second time and referred to the committee on judiciary.

House Bill No. 91, "an act to amend 'an act regulating the juris-

diction and procedure before justices of the peace and of the duties of constables in civil cases,' approved February 8th, 1859."

Read second time and referred to the committee on counties.

House Bill No. 92, "an act to change the name of Grasshopper Falls, Grasshopper Falls township and the Grasshopper river."

Read the second time and referred to the committee on judiciary, with instructions to report a general bill.

Bill No. 93, "an act to amend an act entitled 'an act regulating crimes and punishments of crimes against the persons of individuals.'"

Read the second time and referred to the committee on the judiciary.

By consent, Mr. Ide introduced House Bill No. 99, entitled "an act to amend an act entitled 'an act for the regulation and support of common schools.'"

Read the first time.

House Bill No. 2, "an act supplemental to an act entitled 'an act to enable trustees of colleges, academies, universities and other institutions, socceties and companies to become bodies corporate,'" was taken up and

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 55. Noes 15.

Those voting in the affirmative were Messrs. Baker, Beeson, Barrett, Bottom, Bowman, Bradley, Broadhead, Campbell 83d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Ford, Foreman, Foster 30th district, Foster 40th district, Glick, Grover, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Means, McCartney, Page, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Alford, Bishop, Brown 22d district, Brown 54th district, Craft, Fullington, Gordon, Griffith, Gwartney, Irwin, Loy, Medill, Miller, Rogers and Vaughn.

And so the bill passed.

Title agreed to.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to notify the House that the

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

Those voting in the negative were Messrs. Ellis and Saunders.

And so the bill passed.

The title was agreed to.

House Bill No. 15, "an act to repeal an act relating to the sale of real estate," was taken up and

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 60. Noes 9.

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Craft, Dennison, Douthitt, Downing, Drake, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Vaughn, Weisback and Williams.

Those voting in the negative were Messrs. Christie, Conrey, Ellis, Gordon, Hiner, Johnston 70th district, Miller, Underhill and Walker.

And so the bill passed,

The title was agreed to.

House Bill No. 81, "an act to declare the road leading from Ohio City, in Franklin county, to Leroy, in Coffey county, a State road," was taken up and

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 72. Noes 0.



Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 54th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foreman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

And so the bill passed.

The title was agreed to.

House Bill No. 84, "an act to amend 'an act regulating the interest of money,' approved February 16th, 1860," was taken up.

Mr. Russell moved that the bill be considered by sections. The motion did not prevail.

Mr. Glick having voted with the majority, moved a reconsideration of the vote by which the motion to consider the bill by sections was lost. Carried.

The question being upon the motion to consider by sections, it prevailed.

Mr. Russell moved to strike out the "ten" in the second section.

The ayes and noes were called and the vote resulted as follows :  
Ayes 16. Noes 54.

Those voting in the affirmative were Messrs. Barrett, Brown 22d district, Brown 54th district, Campbell 55th district, Cobb, Emery, Foster 40th district, Griffith, Grover, Harrison, Ide, Medill, Miller, Rogers, Russell and Vaughn.

Those voting in the negative were Messrs. Alford, Beeson, Bishop, Bowman, Bradley, Broadhead, Campbell 33d district, Clark, Christie, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Foreman, Foster 40th district, Fullington, Glick, Gordon, Gwartney, Hanson, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Irwin, Jackman, Johnston 1st district, Johnson 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Page, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Weisback, Williams and Mr. Speaker.

So the motion did not prevail.

Mr. Glick moved to strike out the word "five" in the second second section, and insert the word "six." The motion prevailed.

On motion of Mr. Glick, the second section, as amended, was adopted.

Mr. Hiner moved that section three be adopted. Carried.

Mr. Glick moved to strike out the word "five" in section four, and insert in its stead the word "six." The motion prevailed.

On motion of Mr. Glick, the fourth section was adopted as amended.

On motion of Mr. Glick, the fifth section was adopted.

Mr. Glick moved that the bill be considered as engrossed and ordered to a third reading. The bill was then

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 61. Noes 7.

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Downing, Drake, Ellis, Emery, Eskridge, Ford, Forman, Foster 40th district, Fullington, Glick, Gordon, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollister, Ide, Irwin, Jackman, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Page, Rogers, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Weisback, Williams and Mr. Speaker.

Those voting in the negative were Messrs. Foster 30th district, Griffith, Grover, Medill, Miller, Russell and Vaughn.

And so the bill passed.

The title was agreed to.

By consent, Mr. Russell, from the committee on accounts, made the following report:

MR. SPEAKER:—The committee on accounts have had under consideration a bill to allow the judiciary committee a room, and report the same back recommending its passage.

EDWARD RUSSELL, *Chairman.*

On motion, the resolution was adopted.

On motion, the House adjourned until to-morrow morning at 10 o'clock.

SATURDAY, January 24, 1868, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Cobb, Medill and Mitchell.

Prayer by the Rev. Mr. McVicar.

Journal of yesterday read and approved.

Mr. Drake presented a petition of P. T. Weaver and others, for a State road from Leavenworth to Fort Scott, which was

Referred to committee on roads and highways.

Mr. Campbell presented remonstrances from — Keeler and forty-four others, and C. E. Pratt and others, which was referred to the same committee.

Mr. Saunders, from committee on engrossed bills, made the following report :

MR. SPEAKER :—The committee on engrossed bills have examined House Bill No. 2, "an act supplemental to an act entitled 'an act to enable the trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate,'" and find it correctly engrossed.

WM. R. SAUNDERS, *Chairman*.

Mr. Emery, from the committee on judiciary, made the following reports :

MR. SPEAKER :—The judiciary committee have had under consideration Bill No. 78, entitled "an act concerning evidence," and beg leave to report the same back to the House and recommend its passage.

J. S. EMERY, *Chairman*.

MR. SPEAKER :—The judiciary committee having had under consideration Bill No. 84, entitled "an act to increase the number of justices of the Peace in Elm Creek township, Salina county," have directed me to report, as a substitute therefor, the accompanying bill, entitled "an act authorizing county commissioners to increase

or diminish the number of justices of the peace in any township," and recommend its passage.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 70, entitled "an act in relation to the sale of land under mortgage," and report the same back to the House without recommendation.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The committee on judiciary have had under consideration Resolution No. 1, to amend section 12 of article 10 of the constitution of the State of Kansas, and the undersigned, members of said committee, recommend its adoption.

G. W. GLICK,  
JAMES ROGERS,  
W. P. DOUTHITT,  
WM. R. SAUNDERS,  
C. H. GROVER.

MR. SPEAKER:—We, the undersigned, members of said committee, dissent from the above report of the majority, and recommend the said resolution be rejected.

J. S. EMERY, *Chairman*.  
IRA J. LACOCK.

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 74, entitled "an act to confer additional legislative jurisdiction upon tribunals transacting county business in the several counties," and report it back to the House and recommend its rejection.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 69, entitled "an act relating to the examination of parties to any civil action or proceeding," and instructed me to report, as a substitute therefor, the accompanying bill, entitled "an act relating to the examination of parties to any civil action or proceeding," and recommend the passage of the same.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The [judiciary] committee have had under consideration Bill No. 52, entitled "an act to abolish the office of trustee," &c., and report it back to the House and recommend its rejection.

J. S. EMERY, *Chairman*.

## THE HOUSE.

99

**MR. SPEAKER:**—The judiciary committee having had under consideration Bill No. 6, entitled "an act relating to costs where the State of Kansas is plaintiff, and to regulate the taxing of costs in criminal cases before justices of the peace," have directed me to report, as a substitute therefor, the accompanying bill, entitled "an act relating to costs in criminal cases," and recommend the passage of the same.

**J. S. EMERY, Chairman.**

**Mr. Emery** moved that Bill No. 69 be printed. The motion prevailed.

**Mr. Forman**, from the committee on enrolled bills, made the following report:

**MR. SPEAKER:**—The committee on enrolled bills having examined House Bill No. 8, entitled "an act fixing the time of holding courts in the fourth judicial district," find the same correctly enrolled.

**JOHN W. FORMAN, Chairman.**

**Mr. Emery** offered the following resolution, which was adopted:

*Resolved*, That the committee on agriculture, manufactures and mining inquire what measures can be adopted to ascertain the value, capacity and character of the salt springs of this State, and to stimulate the manufacture of salt from the same, and to report by bill or otherwise.

**J. S. EMERY.**

**Mr. Beeson** offered the following resolution, which was adopted:

*Resolved*, That the committee on printing be instructed to report to this House, by bill or otherwise, if the laws of the present session cannot be printed and delivered to the several counties by the middle of July next, or sooner than they have heretofore been.

The following resolution, offered yesterday, was taken up, which was

Referred to the committee on ways and means.

*Resolved*, That a special committee of three be appointed to consult with the Governor in regard to the best method of transferring any moneys now due this State, and in the hands of the General Government, to the treasury of the State.

**Mr. Eskridge** introduced House Bill No. 94, entitled "an act to limit judicial proceedings by or for persons indicted for treason or misprision of treason, disloyal persons and rebels."

Read the first time.

Mr. Griffith introduced House Bill No. 95, entitled "an act to establish a road from Topeka to Marias des Cygnes river, via Twin Mounds, Centropolis and Minneola."

Read the first time.

Mr. Douthitt introduced House Bill No. 96, entitled "an act to amend section 192 of an act entitled 'an act to establish a code of civil procedure,' approved February 11th, 1859."

Read the first time.

Mr. Miller introduced House Bill No. 97, entitled "an act to amend an act entitled 'an act to establish a code of civil procedure,' approved February 11th, 1859."

Read the first time.

Mr. Page introduced House Bill No. 98, entitled "an act to amend 'an act fixing the fees of the clerk of the supreme court, district attorney and county officers,' &c."

Read the first time.

House Bill No. 85, "an act making an appropriation for educating the deaf and dumb children of the State of Kansas for the year 1863."

Read the second time and referred to the committee on ways and means.

House Bill No. 86, "an act to legalize the collection of taxes in Johnson county."

Read second time and referred to committee on judiciary.

House Bill No. 87, "an act to raise funds for educational purposes."

Read second time and referred to committee on education.

House Bill No. 88, "an act to amend 'an act regulating inclosures,' approved February 11th, 1859."

Read the second time and referred to the committee on agriculture.

House Bill No. 89, "an act relating to mills and millers and the rates of toll."

Read a second time and referred to committee on judiciary.

House Bill No. 90, "an act concerning Marion and Peketon counties."

Read second time and referred to the committee on judiciary.

House Bill No. 91, "an act to amend 'an act regulating the juris-

diction and procedure before justices of the peace and of the duties of constables in civil cases,' approved February 8th, 1859."

Read second time and referred to the committee on counties.

House Bill No. 92, "an act to change the name of Grasshopper Falls, Grasshopper Falls township and the Grasshopper river."

Read the second time and referred to the committee on judiciary, with instructions to report a general bill.

Bill No. 93, "an act to amend an act entitled 'an act regulating crimes and punishments of crimes against the persons of individuals.'"

Read the second time and referred to the committee on the judiciary.

By consent, Mr. Ide introduced House Bill No. 99, entitled "an act to amend an act entitled 'an act for the regulation and support of common schools.'"

Read the first time.

House Bill No. 2, "an act supplemental to an act entitled 'an act to enable trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate,'" was taken up and

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 55. Noes 15.

Those voting in the affirmative were Messrs. Baker, Beeson, Barrett, Bottom, Bowman, Bradley, Broadhead, Campbell 83d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Ford, Foreman, Foster 30th district, Foster 40th district, Glick, Grover, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Means, McCartney, Page, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Alford, Bishop, Brown 22d district, Brown 54th district, Craft, Fullington, Gordon, Griffith, Gwartney, Irwin, Loy, Medill, Miller, Rogers and Vaughn.

And so the bill passed.

Title agreed to.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to notify the House that the

Senate has passed Joint Resolution No. 2, to amend sections 1 and 3 of article five of the constitution of the State of Kansas, and desire your concurrence therein.

JOHN FRANCIS, *Secretary*.

The House resolved itself in the committee of the whole for the consideration of House Bills Nos. 36, 38, 41, 42 and 43.

Mr. Grover in the chair.

After some time spent therein, the committee arose and reported Bills Nos. 36 and 38 back to the House with the enacting clauses stricken out.

Also reported progress on Bills Nos. 41, 42 and 43 and asked leave to sit again.

The report of the committee of the whole was agreed to.

Mr. Eskridge, by consent, introduced Bill No. 102, entitled "an act supplemental to 'an act to provide for the assessment and collection of taxes.'"

Read the first time.

Mr. Tucker was granted leave of absence until Monday morning.

On motion, the House adjourned.

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### AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

The Speaker having appointed Geo. M. Barnes assistant enrolling clerk, and J. T. Randolph assistant engrossing clerk, they came forward and were sworn in.

Mr. Forman, from the committee on enrolled bills, made the following report:

MR. SPEAKER:—The committee on enrolled bills beg leave to report that they presented House Bill No. 25, entitled "an act to repeal an act entitled 'an act to establish a criminal court in Leavenworth county,'" to the Lieutenant Governor for his signature, at 11 o'clock A. M., on the 26th day of January, 1863, and that he refused to sign the same for the reason that the time prescribed for the signing of bills passed by the Legislature, as established by the joint rules of the two Houses, had elapsed.



Mr. Russell, by consent, introduced House Bill No. 25, "an act to repeal 'an act to establish a criminal court in Leavenworth county'" which was

Read the first time.

On motion of Mr. Ide, the rules were suspended and Bill No. 25

Read second time.

On motion of Mr. Russell, the rules were suspended, the bill considered engrossed, and ordered to a third reading. The bill was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 59. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Campbell 38d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Downing, Drake, Ellis, Emery, Eskridge, Foreman, Foster 80th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Irwin, Jackman, Johnson 1st district, Jones, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Underhill, Walker and Weisback.

And so the bill passed.

Title agreed to.

The House resolved itself into committee of the whole for the consideration of Bills Nos. 41, 42 and 43.

Mr. Griffith in the chair.

After some time spent therein, the committee arose, and through its chairman, reported back Bill No. 41, "an act to amend an act entitled "an act to prevent the firing of woods, prairies and marshes," approved February 16th, 1860," with the recommendation that it be printed and take its place on the general order.

Bill No. 42, "an act to fund the territorial debt," with the recommendation that it be made the special order for next Wednesday, at 2 o'clock P. M.

Bill No. 43, "an act to amend 'an act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors,'" with the recommendation it be indefinitely postponed.

Report of the committee agreed to.

Mr. Means offered the following resolution, which was adopted :

*Resolved*, That the committee on agriculture be instructed to examine existing laws regulating inclosures, and report what changes are necessary, if any, by bill or otherwise.

Mr. Glick, by consent, offered the following resolution, which was adopted :

*Resolved*, That the Auditor of State be directed to furnish to this House, as soon as possible, information on the following points :

- 1st. The amount of the Territorial indebtedness.
- 2d. By whom held at this time.
- 3d. The amount issued, to whom issued, and for what purposes.
- 4th. The year in which the different amounts were issued.
- 5th. The title of any law within which any Territorial indebtedness was incurred.
- 6th. How much of the Territorial indebtedness has been redeemed since the 29th day of January, 1861.
- 7th. Upon what account has the same been redeemed, if any.

Mr. Griffith moved that the clerk now proceed to call the general order. Lost.

On motion, adjourned.

MONDAY, January 26, 1863, 10 o'clock A. M.

House called to order

The Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Glick and Jones.

Prayer by the Rev. Mr. McVicar.

Journal of Saturday read and approved.

Mr. Douthitt presented a petition signed by A. B. Bear and ninety others, for a State road from Topeka, in Shawnee county, to Burlington, in Coffey county, via Williamsport, and One Hundred and Ten, which was

Referred to the committee on roads and highways.

Mr. Emery, from the judiciary committee, made the following report:

MR. SPEAKER:—The judiciary committee have had under consideration the following bills:

House Bill No. 86, "an act to extend the time for the collection of taxes in Johnson county," and recommended that it be printed and considered by the House.

Also, House Bill No. 93, "an act to amend the act regulating crimes," and recommended its rejection.

Also, House Bill No. 92, entitled "an act to change the name of Grasshopper Falls, Grasshopper Falls township and Grasshopper river, and instruct me to report the same to the House, as a substitute therefor, a bill entitled "an act authorizing the changing the names," and recommending the passage of the substitute.

Also, House Bill No. 70, entitled "an act to amend section fifty-eight of an act entitled 'an act for the regulation and support of common schools,' approved May, 1860," and report it back to the House and recommend its reference to the committee on ways and means, which

On motion of Mr. Griffith, was so referred.

Mr. Mitchell, from the committee on federal relations, made the following report:

Reported Joint Resolution No. 4, memorializing the general gov-

ernment to make the road from Fort Leavenworth to Fort Scott a military road, and to make provision for bridging the same, and recommending its passage.

Mr. Forman, from the committee on enrolled bills, made the following report :

MR. SPEAKER :—The committee on enrolled bills beg leave to report that House Bill No. 8, entitled "an act fixing the time of holding courts in the 4th judicial district," was presented to the Governor on Saturday, Jan. 24, 1868.

JOHN W. FORMAN, *Chairman*.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to notify the House that the Senate has passed Joint Resolution No. 2, to amend sections 1 and 3 of article 5 of the constitution of the State of Kansas, and desire your concurrence therein.

JOHN FRANCIS, *Secretary*.

Senate Joint Resolution No. 2 to amend sections 1 and 2 of article 5 of the constitution, was

Read the first time.

Mr. Emery offered the following resolution, which was adopted :

*Resolved*, That the attorney general be requested to furnish this House, on or before next Wednesday, his opinion, First, as to the liability of the State of Kansas to pay the outstanding territorial debt proposed to be funded by Bill No. 42; and Second, as to whether the State is held for the whole amount of such debt, when in fact only a portion of the territory of Kansas is embraced within the present limits of the State of Kansas.

Mr. Conrey offered a resolution that the House adjourn on the 25th day of February, 1868.

Laid over under the rules.

Mr. Ford offered the following resolution, which, on a vote being taken, was lost :

*Resolved*, That the judiciary committee inquire into the expediency of abolishing the grand jury system.

Mr. Russell offered the following resolution, which was adopted :

*Resolved*, That the printing committee of the House confer with the printing committee of the Senate so as to obtain the printing of the reports from the State officers at some early date.

The following bills were then introduced by Mr. Weisback :

Bill No. 103, "an act to abolish the office of township trustee."

Read the first time.

Also, Bill No. 104, "an act regulating the appointment of judges of election."

Read the first time.

Mr. Griffith, Bill No. 105, "an act exempting certain property from sale on execution or other final process, and to repeal the act now in force on that subject."

Read the first time.

Mr. Snider, Bill No. 106, "an act to prohibit the issuing and circulation of unauthorized currency, commonly called shinplasters."

Read the first time.

By J. H. Jones, Bill No. 107, "an act to authorize the guardian of Jacinth, alias Charles Lecompte, to sell or lease the lands of said ward, and settle all litigation therefor."

Read the first time.

By Mr. Eskridge, Bill No. 108, "an act making appropriations for the current legislative expenses for the year 1863."

Read the first time.

By Mr. Beeson, Bill No. 109, "an act requiring assessors to furnish certain statistics."

Read the first time.

By Mr. Campbell, of Allen, Bill No. 110, to amend the act to apportion the State for Senators and Representatives."

Read the first time.

By Mr. Hawkins, Bill No. 111, "an act concerning the dog revenue."

Read the first time.

Also, Bill No. 112, "an act to establish a State road from Topeka to Fort Scott."

Read the first time.

By Mr. Laocock, Bill No. 113, "an act to prevent proceedings at law in the name or for the benefit of disloyal persons."

Read the first time.

By Mr. Douthitt, No. 114, "an act authorizing cities to confer jurisdiction in cases arising under their charters and ordinances, upon district courts and justices of the peace."

Read the first time.

Also, Bill No. 115, "an act to amend the act to establish a ferry at the city of Topeka."

Read the first time.

By Mr. Cobb, Bill No. 116, an act to amend the act relating to official oaths."

Read the first time.

By Mr. Ellis, Bill No. 117, "an act to amend section 71 of the tax law."

Read the first time.

House Bill No. 94, "an act to limit judicial proceedings by or for persons indicted for treason or misprision of treason, disloyal persons and rebels."

Read second time and referred to the committee on judiciary.

House Bill No. 95, "an act to establish a State road from Topeka to Marias des Oygnes river via Twin Mound, Centropolis and Mineola."

Read second time and referred to the committee on roads and highways.

House Bill No. 96, "an act to amend section 192 of an act entitled 'an act to establish a code of civil procedure,' approved Feb. 11, 1859."

Read the second time and referred to the committee on judiciary.

House Bill No. 97, "an act to amend an act entitled 'an act to establish a code of civil procedure,' approved Feb. 11, 1859."

Read the second time and referred to the committee on judiciary.

House Bill No. 98, "an act to amend 'an act fixing the fees of the clerk of the supreme court, district attorneys, county officers, justices of the peace, constables, witnesses, jurors, referees, appraisers and notaries public,' approved March 6, 1862."

Read the second time and referred to the committee on fees and salaries.

House Bill No. 99, "an act to amend an act entitled 'an act for the regulation and support of common schools.'"

Read the second time and referred to the committee on education.

House Bill No. 102, "an act supplemental to 'an act to provide for the assessment and collection of taxes.'"

Read the second time and referred to the committee on ways and means.

The House resolved itself into committee of the whole for the consideration of House Joint Resolution No. 1, House Joint Resolution No. 2, and House Joint Resolution No. 3, and House Bills Nos. 66 and 57.

Mr. Ide in the chair.

Mr. Speaker resumed his seat, when

The following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, January 24, 1863.

*To the House of Representatives :*

I have this day approved Bill No. 8, entitled "an act fixing the time of holding courts in the fourth judicial district."

Respectfully,

THOMAS CARNEY.

The Speaker resumed his seat, when a message was received from the Senate :

[Message not furnished.—PRINTER.]

After some time spent therein, the committee arose, reported progress on House Joint Resolutions Nos. 1, 2 and 3, and Bills Nos. 66 and 57, and asked leave to sit again.

The report of the committee was agreed to.

Mr. Russell offered the following resolution, which was laid over under the rules :

*Resolved*, That the honorable Senate is hereby informed that the House has notified the Senate in every case of the order of any printing, except when the Senate first ordered the same, but the House would politely inform the honorable Senate that they ordered 200 copies of the Governor's message, of which fact the House was allowed to obtain the information from the daily papers. Will the honorable Senate "first take the beam out of their own eye, then may they clearly see the mote in the eye of the House."

On motion, the House adjourned.

## AFTERNOON SESSION.

Two o'clock P. M.

House called to order.

Speaker in the chair.

The House resolved itself into the committee of the whole for the consideration of the unfinished business of the morning session.

Mr. Ide in the chair.

After some time spent therein, the committee arose, and through its chairman reported back House Joint Resolution No. 1, to amend section 3, article 2 of the constitution, and recommend its rejection.

House Joint Resolution No. 2, to amend section 3 of article 9 of the constitution, recommending its rejection.

House Joint Resolution No. 3, "an act to amend section 1 of article 14 of the constitution," recommending its rejection.

Bill No. 66, entitled "an act to to change the terms of the district court in the third and fifth judicial districts," with amendments, and recommended its adoption.

Bill No. 57, "an act to extend the time for transcribing the records of the Pawnee land district recorder's office," and recommend its adoption.

Report of the committee was agreed to.

On motion of Mr. Russell, Bills Nos. 66 and 57 were ordered to be engrossed.

Mr. Mitchell moved that the motion by which the House agreed to the report of the committee of the whole be reconsidered so far as it referred to House Joint Resolution No. 1. The motion was lost.

The House resolved itself into committee of the whole for the consideration of Bills Nos. 58, 65, 45, 50 and 67.

Mr. Douthitt in the chair.

Bill No. 58, to amend the act regulating the terms of courts in the several judicial districts, being considered was adopted.

Bill No. 67 being taken up, appropriating township money of Wea township, Miami county, for school purposes, it was adopted.

Bill No. 45 being taken up, declaring the Marias des Cygnes river unfit for navigation, it was adopted by the committee.



Bill No. 50, "an act to limit the time within which to present claims against a county," was then taken up, and amended and adopted.

Bill No. 65, "an act to amend the general election law," was then considered and rejected.

The committee then arose, and Bills No. 58, 45, 50 and 67 were ordered to be engrossed.

The House again resolved itself into the committee of the whole for the consideration of Bills No. 48, 44, 63, 6 and 41.

Mr. Rogers in the chair.

Bill No. 46, "an act for the encouragement and protection of sheep breeding," was taken up, and amended and adopted.

Bill No. 44, "an act to regulate sheep breeding," was considered and rejected.

Bill No. 63, "an act to amend the act regulating the terms of the courts in the several judicial districts," was then considered and approved.

Bill No. 6, "an act relating to costs where the State of Kansas is plaintiff," was then considered and its passage recommended.

Mr. Russell moved that Bills Nos. 63, 48 and 6 be ordered to be engrossed. Carried.

On motion, the House adjourned.

TUESDAY, January 27, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Craft, Forman, Irwin, Kinner and Ward.

Prayer by the Rev. Mr. Alward.

Journal of yesterday read and approved.

Mr. Drake presented a petition of 452 voters of Bourbon county, praying the legislature to provide for an election to locate permanently the county seat.

Referred to the committee on county lines and county seats.

Mr. Lee, from the committee on accounts, made the following report :

MR. SPEAKER :—Your committee on accounts, to whom was referred a resolution requiring the sergeant-at-arms to furnish each member of this House with a copy of Gunn & Mitchell's map of Kansas, would respectfully report that they have had the same under consideration, and recommend as a substitute to said resolution, that the sergeant-at-arms be required to furnish the chairman of each standing committee of this House one copy of said map, and that at the close of the present session of the legislature, the chairman of each committee be requested to deposite the same with the Secretary of State for the use of any subsequent legislature.

G. M. LEE, *Chairman*.

Mr. Griffith moved that the report be adopted.

Mr. Eskridge moved to amend by striking out "chairman of each of the standing committees," and inserting "each member."

Mr. Lacock moved to amend by inserting "at the expense of each member provided he wants one."

Mr. Russell moved to lay the report on the table. Carried.

Mr. Bottom, from the committee on State library, made the following report :

MR. SPEAKER :—Your committee on State library, to whom was referred House Bill No. 76, entitled "an act to provide for the cus-

tody of the law library of the State of Kansas," would report that they have had the same under consideration and instruct me to report the same back to the House and recommend its passage.

M. W. BOTTOM, *Chairman*.

Mr. Emery, from the committee on the judiciary, made the following report:

MR. SPEAKER:—The judiciary committee have had under consideration House Bill No. 78, entitled "an act to abolish the office of district attorney, and provide for the creating of the office of county attorney."

Also, Bill No. 80, entitled "an act to provide for the election of county attorneys, and prescribing their duties," and instruct me to report the accompanying bill, entitled "an act to provide for the election of county attorneys, and prescribing their duties," as a substitute therefor, and recommend the passage of the same.

Also, Bill No. 89, entitled "an act relating to mills and millers, and the rates of toll," and have instructed me to recommend that the same be referred to the committee on agriculture and manufacture.

Also, Bill No. 77, entitled "an act to amend an act entitled 'an act regulating proceedings on writs of habeas corpus,' and have instructed me to report as a substitute therefor the accompanying bill entitled "an act to amend 'an act regulating proceedings on writs of habeas corpus,' and recommend the passage of the same.

Also Bill No. 94 entitled "an act to limit judicial proceedings for persons indicted for treason and misprision of treason, disloyal persons and rebels," and have instructed me to report the same back to the House and recommend its rejection.

Also, Bill No. 91, entitled "an act to amend 'an act regulating the jurisdiction of and procedure before justices of the peace, and of the duties of constables in civil cases,' and have instructed me to report the same back to the House and recommend that it be rejected.

Also, the judiciary committee hereby recommend that the House do pass Bill No. 92, entitled "an act to change the name of Grasshopper Falls, Grasshopper Falls township, and the Grasshopper river," which bill was reported yesterday.

All of which is respectfully submitted.

J. S. EMERY, *Chairman*.

Mr. Emery moved that original bills when substitutes are reported should not therefore be printed. Carried.

Mr. Saunders, from the committee on engrossed bills, made the following report :

MR. SPEAKER :—The committee on engrossed bills have examined House Bill No. 45, entitled “an act declaring the Marias des Cygnes river unfit for navigation.”

Bill No. 50, “an act to limit the time within which to present claims against a city or county.”

Bill No. 57, “an act to extend the time for transcribing the records of the Pawnee land district recorder’s office.”

Bill No. 66, “an act to amend an act entitled ‘an act to change the terms of the district courts in the third and fifth judicial districts,’ approved March 4, 1862,” and

Bill No. 67, “an act appropriating township money of Wea township, Miami county, for school purposes,” and found them correctly engrossed.

WM. R. SAUNDERS, *Chairman*.

Mr. Russell, from the committee on ways and means, made the following report :

MR. SPEAKER :—Your committee report back Bill No. 71 entitled “an act to amend an act entitled ‘an act to provide for the assessment and collection of taxes,’ approved Feb. 27, 1860.”

Also, an act approved March 6, 1862, and recommend its rejection.

Also, House Bill No. 102, entitled “an act supplemental to ‘an act to provide for the assessment and collection of taxes,’” and recommend its rejection.

Also, Bill No. 55, entitled “an act concerning taxes in Douglas county,” report the same back to the House without recommendation.

Bill No. 34, entitled “an act concerning taxes in Douglas county,” and having given the same due consideration recommend its rejection.

Also, Bill No. 83, entitled “an act to appropriate money,” and report the same back to the House without recommendation.

All of which is respectfully submitted.

ED. RUSSELL, *Chairman*.

The following communication was received from the Auditor :

AUDITOR’S OFFICE, TOPEKA. KANSAS, }  
January 27th, 1863. }

To the House of Representatives of the State of Kansas :

GENTLEMEN :—In compliance with a resolution passed by the

House of Representatives, January 24, 1863, directing the Auditor of State to furnish to the House information in relation to the territorial indebtedness, I respectfully submit the following report :

1st. That the amount of territorial indebtedness at this date is

Warrants outstanding,	- - -	\$61,779 56
Probable interest on same, (estimated)		10,000 00
Territorial bonds due in 1865,	- -	5,000 00
Probable interest due on same, (estimated)		1,500 00

Total,	- - - - -	\$78,279 56
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2nd. There is no information in this office as to who hold the territorial indebtedness at the present time.

3d. The whole amount of warrants drawn upon the territorial treasury is \$135,470 16, which was issued to many different persons, for salaries, territorial officers, expenses of territorial Legislature, pay of clerks of Legislature, rent of halls and offices, expenses of constitutional conventions, pay of members, clerks and officers, pay of board of commissioners to investigate election frauds, laying out territorial roads, safes for Auditor and Treasurer's offices, furniture for Auditor, Treasurer and other offices, blank books, printing, stationary, &c., &c.

4th. The amount issued in the different years is as follows :

In the year 1855,	- - - - -	\$ 398 00
" 1856,	- - - - -	3,170 60
" 1857,	- - - - -	13,287 55
" 1858,	- - - - -	4,502 93
" 1859,	- - - - -	62,409 26
" 1860,	- - - - -	41,234 14
" 1861,	- - - - -	10,467 88

Total,	- - - - -	\$135,470 16
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5th. The above indebtedness was incurred under the provisions of acts entitled "acts making appropriations," some being general appropriation acts, and some special, passed by territorial Legislatures of 1855, 1857, 1858, 1859, 1860 and 1861.

6th. The whole amount of indebtedness redeemed since January 24, 1861, including accrued interest allowed thereon, is \$28,195 79.

7th. The said indebtedness so redeemed, was redeemed on account of general territorial revenue.

ASA HAIRGROVE, Auditor.

On motion, it was ordered that the resolution calling for the report, and the Auditor's report be printed in the *State Record*.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to notify the House that the Senate has passed Joint Resolution No. 3, accepting congressional grants of lands for agricultural colleges and desire your concurrence therein.

The attention of the House is respectfully called to the following preamble and resolutions adopted by the Senate :

WHEREAS, There have been a number of bills and communications printed, of which the Senate has had no notice of any order being made for printing the same, nor the number so ordered; therefore

*Resolved*, That the attention of the honorable House of Representatives is called to Joint Rule No. 18, "No bill or other paper shall be printed until so ordered by one or the other House, and such order shall specify the number for both Houses, and when either House makes an order for the printing of any bill or document, they shall immediately inform the other House of such order."

JOHN FRANCIS, *Secretary*.

Senate Joint Resolution No. 3, accepting the congressional grant of lands for agricultural college," was

Read the first time.

On motion of Mr. Eskridge, that the rules be suspended and the resolution read the second time.

Mr. Griffith moved that the resolution be referred to the committee on judiciary.

The Speaker ruled the motion out of order.

From which decision Mr. Russell appealed to the House.

The decision of the Speaker was sustained.

Mr. Eskridge moved to suspend the rules for the further consideration of the resolution. Lost.

On motion of Mr. Griffith, the resolution was referred to the judiciary committee, instructing them to report to-morrow morning.

Carried, and the resolution so referred.

The following message was received from the Senate :

MR. SPEAKER —I am directed to notify the House that the Senate has passed Concurrent Resolution No. 5, "memorializing Con-

gress for an appropriation for public surveys in the State of Kansas," with amendments, in which your concurrence is desired. Said amendments are contained in an engrossed copy of the resolution which I herewith transmit to your honorable body.

JOHN FRANCIS, *Secretary*.

House Joint Resolution No. 5, was referred to the committee on public lands.

Mr. Johnson offered the following resolution, which was adopted :

*Resolved*, That the judiciary committee be requested to report to this House a bill for a new apportionment of this State, on the basis of population, which shall reduce the number of members of the House to 40, and the number in the Senate to 13.

Mr. Russell offered the following resolution, which was adopted :

*Resolved*, That the committee on public lands be requested to report to the House to-morrow morning at 10½ o'clock, A. M., the provisions of the act passed by Congress donating lands to the various States for agricultural purposes.

Mr. Conrey offered the following resolution, which, on motion of Mr. Russell, was laid on the table ;

*Resolved*, That all bills introduced into this House shall be introduced on or before the 10th day of February, 1863.

Mr. Rogers offered the following resolution, which was laid upon the table :

*Resolved*, That this House hereafter hold an evening session, commencing at the hour of 6½ P. M.

Mr. Hawkins introduced House Concurrent Resolution No. 8, which was laid over under the rules, "memorializing the General Government for a grant of lands for the construction of railroads in the State of Kansas."

Mr. Hiner introduced House Joint Resolution No. 5, to amend section 25 of article 2 of the constitution, which was

Read the first time.

The following resolution, offered yesterday, was taken up :

*Resolved*, That the honorable Senate is hereby informed that the House has notified the Senate in every case of the order of any printing, except when the Senate first acted on the matter, but the

House would politely inform the honorable Senate that they ordered 200 copies of the Governor's message, of which fact the House was allowed to obtain the information from the daily papers. Will the honorable Senate "first take the beam out of their own eye, then may they clearly see the mote in the eye of the House."

Mr. Griffith moved to lay the resolution on the table. Lost.

Mr. Russell moved to adopt the resolution.

Mr. Rogers moved to strike out the last sentence of the resolution.

Mr. Griffith moved to indefinitely postpone the resolution, which motion prevailed.

On motion, the House adjourned.

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#### AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

Mr. Mitchell, from the committee on federal relations, made the following report :

MR. SPEAKER :—The committee on federal relations, to whom was referred sundry communications from the Governor, having had the same under consideration, instruct me to make the following report :

Upon the communication of Geo. B. Smith, requesting the State of Kansas to subscribe for twenty-five copies of his new edition of the army list, report the same back without recommendation.

Upon the preamble and resolutions for the increase of cadets at the military academy at West Point, instruct me to report the same back, with the accompanying resolutions, and recommend their adoption.

Upon the communication of Oliver P. Morton, Governor of the State of Indiana, recommending the increase of the pay of private soldiers, instruct me to report the same back with the accompanying resolutions, and recommend their adoption.



Upon the address of the committee of the British and Foreign Anti-Slavery Society of England, instruct me to report the same back with the accompanying resolutions, and recommend their adoption.

Upon the memorial in behalf of the State of New York, in respect to adapting the canals to the defense of the lakes, instruct me to report the same back without recommendation.

D. T. MITCHELL, *Chairman*.

Concurrent Resolutions No. 9 and 10, introduced by the committee on federal relations, were laid over under the rules.

Mr. Saunders, from the committee on engrossed bills, made the following report:

MR. SPEAKER:—The committee on engrossed bills have examined House Bill No. 48, "an act for the encouragement and protection of sheep breeding," and found it correctly engrossed.

W. R. SAUNDERS, *Chairman*.

Mr. Lee, from the committee on accounts made the following report:

MR. SPEAKER:—Your committee, to whom was referred Bill No. 62, "an act for the relief of Henry Brown," instruct me report the same back to the House and recommend that it be referred to the committee on claims.

G. M. LEE, *Chairman*.

Bill No. 72 was referred to committee on accounts.

Mr. Jackman introduced Bill No. 119, "an act conferring on tribunals transacting county business the power to provide for the regulating of the running at large of swine."

Read the first time.

Mr. Johnson introduced Bill No. 120, "an act amendatory to an act entitled 'an act to incorporate the city of Iowa Point,' approved Feb. 14, 1857."

Read the first time.

By Mr. Glick, Bill No. 121, "an act concerning the liabilities of hotel keepers."

Read the first time.

By Mr. Eskridge, Bill No. 122, "an act to locate the State University at Emporia."

Read the first time.

By Mr. Gwartney, Bill No. 123, "an act to amend the general election law."

Read the first time.

Mr. Downing introduced Bill No. 125, "an act to amend an act entitled 'an act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors.'"

Read the first time.

By Mr. Rogers, Bill No. 125, "an act to survey and establish the old Santa Fe road."

Read the first time.

By Mr. Ley, Bill No. 126, "an act relating to fences."

Read the first time.

By Mr. Douthitt, Bill No. 127, "an act appropriating money for the expenses of the supreme court."

Read the first time.

Senate Joint Resolution No. 2 was read and referred to the committee on the judiciary.

The following bills were then read the second time and referred as follows:

Bill No. 103, "an act to abolish the office of township trustee."

Read second time and referred to the committee on judiciary.

Bill No. 104, "an act regulating the appointment of judges of election in the several counties in the State."

Read second time and referred to the committee on judiciary.

Bill No. 105, "an act exempting certain property from sale upon execution, or other final process, and to repeal the act now in force upon that subject."

Read second time and referred to the committee on judiciary.

Bill No. 106, "an act prohibiting the issuing and circulating of unauthorized currency, commonly known as shinplaster currency."

Read second time and referred to the committee on banks.

Bill No. 107, "an act to authorize the guardian of Jacinth, alias Charles Lecompte to sell or lease the lands of said ward, and settle all litigations therefor."

Read second time and referred to the committee on judiciary.

Bill No. 108, "an act making appropriations for the current legislative expenses for the year 1863."

Read the second time and referred to the committee on ways and means.

Bill No. 109, "an act requiring assessors to furnish certain statistics."

Read the second time and referred to the committee on agriculture.

Bill No. 110, an act entitled "an act to amend an act entitled 'an act to district and apportion the State for Senators and Representatives,' approved March 3d, 1862."

Read second time and referred to the committee on judiciary.

Bill No. 111, "an act concerning a dog revenue law."

Read the second time and referred to the committee on agriculture.

Bill No. 112, "an act to establish a State road from Topeka to Fort Scott."

Read the second time and referred to committee on roads and highways.

Bill No. 113, "an act to prevent proceedings of law in the name or for the benefit of disloyal persons."

Read second time and referred to the committee on federal relations.

Bill No. 114, "an act to authorize cities to confer jurisdiction in cases arising under their charters and ordinance, upon district courts and justices courts."

Read second time and referred to the committee on judiciary.

Bill No. 115, "an act to amend section 1 of an act entitled 'an act to establish a ferry at the city of Topeka,' approved January 31, 1860."

Read second time and referred to the committee on judiciary.

Bill No. 116, "an act amendatory to an act entitled 'an act regulating oaths and prescribing the form of oaths of office,' approved Feb. 7th, 1859."

Read second time and referred to the committee on judiciary.

Bill No. 117, "an act amendatory to section 71 of an act entitled 'an act to provide for the assessment and collection of taxes.'"

Read the second time and referred to the committee on ways and means.

Bill No. 66, "an act amendatory to an act entitled 'an act to change the terms of the district court in the third and fifth judicial districts,' was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 65. Noes 0.

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Foster 30th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Lee 19th dist., Loy, Means, McCartney, Miller, Mitchell, Page, Rogers, Russell Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

And so the bill passed.

The title was agreed to.

House Bill No. 57, "an act to extend the time for transcribing the records of the Pawnee land district recorder's office," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 65. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Clark, Christie, Cobb, Conrey, Craft, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Foreman, Foster 30th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

And so the bill passed.

Title was agreed to.

House Bill No. 45, "an act declaring the Marias des Cygnes river unfit for navigation," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 65. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foster 30th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, Miller, McCartney, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

And so the bill passed.

The title was agreed to.

House Bill No. 50, "an act to limit the time within which to present claims against a county," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 62. Noes 8.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 54th district, Clark, Christie, Cobb, Conrey, Craft, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Foster 30th district, Fullington, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Miller, Mitchell, Page, Rogers, Russell, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

Those voting in the negative were Messrs. Irwin, Lacock and Saunders.

And so the bill passed.

The title was agreed to.

Bill No. 67, "an act appropriating township money of Wea township, Miami county, for school purposes," was

Read a third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 63. Noes 2.

Those voting in the affirmative were Messrs. Alford, Baker, Besson, Barrett, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 83d district, Olark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Foster 30th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Irwin, Jackman, Johnston 1st district, Johnson 70th district, Jones, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Weisback, and Williams.

Those voting in the negative were Messrs. Campbell 55th district, and Vaughn.

And so the bill passed.

Title was agreed to.

Bill No. 48, "an act for the encouragement of sheep breeding," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 60. Noes 5.

Those voting in the affirmative were Messrs. Alford, Baker, Besson, Barrett, Bishop, Bradley, Broadhead, Brown 22d district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Fullington, Glick, Gordon, Griffith, Grover, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Underhill, Vaughn, Walker and Weisback.

Those voting in the negative were Messrs. Brown 54th district, Christie, Conrey, Foster 30th district, and Gwartney.

And so the bill passed.

The title was agreed to.

The House resolved itself into committee of the whole for the consideration of Bills No. 41, 100, 101, and 73, and Senate Joint Resolution No. 1.

Mr. Jackman in the chair.

After some time spent therein the committee arose, and through its chairman reported back Bill No. 41, "an act to amend an act entitled 'an act to prevent the firing of woods, prairies and marshes,' approved Feb. 16, 1860," with recommendation that it be referred back to committee on agriculture.

Bill No. 100, "an act authorizing the county commissioners to increase or diminish the number of justices of the peace in any township," and recommend its passage.

Bill No. 101, "an act relating to the examination of parties to any civil action or proceeding," and recommend its passage.

Bill No. 75, "an act concerning evidence," and recommend its passage, and

Senate Joint Resolution No. 1, to amend section 12 of article 2 of the constitution of the State of Kansas, and recommend its rejection,

On motion of Mr. Russell, Bills No. 100, 101 and 73 were ordered to be engrossed for a third reading.

On motion, the House adjourned.

WEDNESDAY, January 28, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Brown 22d district, Drake, Forman, Johnson 1st district, and Russell.

Prayer by the Rev. Mr. Paulson.

Journal of yesterday read and approved.

Mr. Clark presented petition of John Groble and others, to change the law in relation to the collection of taxes, which was

Referred to the committee on ways and means.

Mr. Stratton presented a petition of H. S. Boyrd and 35 others, for a State road from Wyandott to Lawrence.

Also, a petition from B. A. Rively and 29 others, for a State road from Wyandott to Lawrence.

Mr. Emery, from the committee on judiciary, made the following reports:

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 104, entitled "an act regulating the appointment of judges of election in the several counties of this State," and have instructed me to report the same back to the House and recommend its rejection.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 103, entitled "an act to abolish the office of township trustees," and have instructed me to report the same back to the House and recommend its rejection.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 115, entitled "an act to amend section 1 of an act entitled 'an act to establish a ferry at the city of Topeka,' approved January 31st, 1860," and have instructed me to report the same back to the House and recommend its adoption.

J. S. EMERY, *Chairman*.

MR. SPEAKER:—The judiciary committee have had under con-



sideration Bill No. 116, entitled "an act amendatory to an act entitled 'an act regulating oaths and prescribing the forms of oaths of office,' approved February, 1859," and have instructed me to report the same back to the House and recommend its rejection.

J. S. EMERY, *Chairman.*

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 107, entitled "an act to authorize the guardian of Jacinth alias Charles Lecompte to sell or lease the lands of said ward, and settle all litigations therefor," and have instructed me to report the same back to the House and recommend its passage.

J. S. EMERY, *Chairman.*

MR. SPEAKER:—The judiciary committee have had under consideration Bill No. 114, entitled "an act to authorize cities to confer jurisdiction in cases arising under their charters and ordinances upon district courts and justices of the peace," and have instructed me to report the same back to the House and recommend its passage.

J. S. EMERY, *Chairman.*

MR. SPEAKER:—The judiciary committee have had under consideration Senate Joint Resolution No. 3, accepting the congressional grant of lands for agricultural colleges, and have instructed me to report the same back to the House and recommend that the same be rejected because it originated in the Senate.

J. S. EMERY, *Chairman.*

The undersigned are of opinion that the Senate had power to originate this resolution.

WM. P. DOUTHITT,  
G. W. GLICK.

Mr. Mitchell, from the committee on federal relations, made the following reports:

MR. SPEAKER:—The committee on federal relations, to whom was referred Bill No. 113, entitled "an act to prevent proceedings of law in the name or for the benefit of disloyal persons," having had the same under consideration, instruct me to report the same back to the House and recommend its passage.

D. T. MITCHELL, *Chairman.*

MR. SPEAKER:—The committee on federal relations, to whom was referred Senate Concurrent Resolution No. 4, concerning the President's proclamation of freedom to the slaves, and the opening of the Mississippi river, and pledging the aid of Kansas in support of the war, and

House Concurrent Resolution No. 7, indorsing the views set forth by President Lincoln in his proclamation of January 1st, A. D. 1863, having had the same under consideration, instruct me to report the same back to the House with the accompanying resolution as a substitute therefor, recommending the adoption of the substitute.

D. T. MITCHELL, *Chairman*.

Mr. Medill, from the committee on agriculture, made the following reports:

MR. SPEAKER:—The committee on agriculture, to whom was referred House Bill No. 109, entitled "an act requiring assessors to furnish certain statistics," have had the same under consideration and instruct me to report the same back to the House and recommend its passage.

Also Bill No. 111, entitled "an act concerning a dog revenue law," and instruct me to report the same back to the House and recommend its passage.

Also Bill No. 36, entitled "an act to encourage the killing of wolves," have had the same under consideration and instruct me to report the accompanying substitute, and recommend its passage.

J. S. MEDILL, *Chairman*.

Mr. Lacock, from the committee on printing, made the following reports:

MR. SPEAKER:—Your committee to whom was referred the accompanying resolution, would respectfully report that the contractor for the State printing informs the committee that the laws for 1863 shall be published and ready for delivery by the 1st of July, 1863.

IRA J. LACOCK, *Chairman*.

MR. SPEAKER:—Your committee have had under consideration Bill No. 82, entitled "an act to amend an act entitled 'an act to provide for the State printing,'" and have instructed me to report the same back to the House and recommend its passage.

IRA J. LACOCK, *Chairman*.

Mr. Brown, from the committee on claims, made the following reports:

MR. SPEAKER:—Your committee, to whom was referred Bill No. 27, entitled "an act for the relief of Henry Brown," instruct me to refer the same back to the House and recommend that it be referred to the committee on claims.

G. M. LEE, *Chairman*.

**MR. SPEAKER** :—The committee on claims, to whom was referred Bill No. 72, entitled “an act for the relief of Henry Brown,” have had the same under consideration and instruct me to report the same back and recommend its passage.

**MR. SPEAKER** :—Your committee to whom was referred Bill No. 60, entitled “an act for the relief of Anson Storm,” have had the same under consideration and direct me to report the same back to the House and recommend its rejection.

A. BROWN, *Chairman*.

**MR. SPEAKER** :—Your committee to whom was referred Bill No. 59, entitled “an act for the relief of T. B. Eldridge,” have had the same under consideration and direct me to report the same back to the House and recommend its rejection.

A. BROWN, *Chairman*.

Mr. Campbell, from the committee on public lands, made the following report :

The committee on public lands having had House Concurrent Resolution No. 5 under consideration, memorializing Congress for an appropriation for public surveys in the State of Kansas, as adopted by the House and amended by the Senate, report the same back and recommended that the House concur in Senate amendments.

J. H. CAMPBELL, *Chairman*.

Mr. Saunders, from committee on engrossed bills, made the following report :

**MR. SPEAKER** :—The committee on engrossed bills have examined House Bill No. 6, “an act relating to costs in criminal cases.”

Bill No. 58, “an act to amend an act entitled ‘an act regulating the terms of the district court in the several judicial districts,’ approved May 20th, 1861.”

Bill No. 73, “an act concerning evidence.”

Bill No. 100, (a substitute for Bills Nos. 68 and 84) “an act authorizing county commissioners to increase or diminish the number of justices of the peace in any township,” and

Bill No. 101, (a substitute for Bill No. 69) “an act relating to the examination of parties to any civil action or proceeding,” and found them correctly engrossed.

WM. R. SAUNDERS, *Chairman*.

The following communication was received from the Attorney General :

STATE OF KANSAS, OFFICE OF ATTORNEY GENERAL, }  
 January 28, 1863.

*Mr. Speaker and Gentlemen of the House of Representatives :*

Your resolution of January 20th, with House Bill No. 42 accompanying, has been furnished to me. I herewith comply with your request, at the same time saying to you that the time you have allowed to me has not enabled me to examine the questions embraced in your resolution, to the extent that I would desire, considering the importance of the interests involved therein.

My predecessor, Hon. S. A. Stinson, prepared an opinion in compliance with a resolution of the last House, upon the first question embraced in your resolution ; based to an extent upon a decision as reported in Wisconsin reports, vol. 9, p. 38, as furnishing a precedent, so that the question is not an entirely new one.

I am unable to fully concur in the opinion of the late Attorney. The liability of States, in their political capacity, is only a moral responsibility. No suits can be sustained against States without their consent, and hence no legal liability can exist. Is a State, then, morally responsible for the liabilities incurred by that same political body, when exercising their political functions as a Territory ? The reasoning in the Wisconsin case is, that territorial governments are established with a view to the ultimate formation of States, and are intended only to accomplish that result, so that the State is the same political body that the Territory was differing only in being a more perfect form of government. I assent to the reasoning of the court, but believe the premises do not warrant the conclusion.

The Territory of Wisconsin, as organized in 1836, embraced what is now the States of Iowa, Wisconsin, Minnesota, and the Territory of Dakota. Was, then, the State of Wisconsin, when admitted in 1847, the same political body as was the Territory of Wisconsin in 1836, and thus liable for all the debts incurred by said Territory, from its original organization in 1836 ?

The court so declared in principle, but were not called upon and did not so determine.

In that case the question determined was : " Is the State liable to pay for a capital building constructed for the Territory and appropriated by the State to its own use ? " The court held the State so liable, and, I think, correctly. In the case under consideration, I am clearly of opinion that the State is liable to the extent judicially determined in the Wisconsin case, but your bill covers much more.

The people of the State of Wisconsin, in adopting their Constitution, says the decision referred to by section one of the schedule, intended to accept the principle then enunciated by the court.

Does section one of the schedule to our Constitution, which is similar, so contemplate? I think not, to the extent claimed for it.

I construe it to mean that the people of that portion of the Territory of Kansas, within certain limits, agree to form a State government; and that all contracts, &c., that have arisen or exist within such limits, shall continue and remain the same under such State government as if such political change had not taken place; and, by the next section, that all fines, &c., owing to the Territory, from within the limits of the new State, shall inure to such State. Certainly it cannot be claimed that fines, &c., owing from in that portion of the then Territory outside of the new State, could inure to the State; nor that the payment of those Territorial taxes due and unpaid from Arrapahoe county, could be enforced by the State authorities. If, then, the State cannot collect the Territorial assets due from outside of its present limits, it cannot be morally liable to pay the Territorial debts that have accrued for the benefit of that portion of the Territory outside of such limits.

I am, with respect,

W. W. GUTHRIE,  
Attorney General.

Mr. Emery moved that 150 copies of the communication be printed for the use of the members of the House and Senate. Carried.

Mr. Jackman, offered the following resolution, which was laid on the table:

*Resolved*, That hereafter the morning hours of the meeting of the House shall be 9 o'clock A. M.

Mr. Glick offered the following resolution, which was adopted:

*Resolved*, That the Auditor of State is hereby requested to furnish to this House information on the following points:

1st. The total amount of State indebtedness at this date, including bonds issued for all purposes, and outstanding warrants on the Treasury.

2d. The total amount of bonds issued by the State.

3d. The amount of outstanding bonds at this date.

4th. The amount of warrants on the Treasury now outstanding.

Mr. Foster 30th district, offered the following resolution, which was adopted :

*Resolved*, That the committee on federal relations, to whom was referred sundry communications from the Governor, be instructed to report what action, if any, they have taken in regard to the Maryland resolutions, which were submitted to them simultaneously with the address of the British and foreign anti-slavery society.

Mr. Lacock offered the following resolution, which was referred to the committee on printing :

*Resolved*, That 150 copies of the Auditor's report be printed for the use of the House and Senate.

House Concurrent Resolution No. 9, approving of the recommendation from the State of Rhode Island and Providence Plantations on the increase of the number of cadets, was adopted.

House Concurrent Resolution No. 10, returning thanks to the British and foreign anti-slavery society, was taken up.

Mr. Grover moved that the resolution be indefinitely postponed.

Upon which the ayes and noes were demanded with the following result : Ayes 7. Noes 61.

Those voting in the affirmative were Messrs. Foster 30th district, Grover, Gwartney, Lacock, Lattin, Miller and Glick.

Those voting in the negative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 83d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Forman, Fullington, Gordon, Griffith, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Jackman, Johnson 1st district, Johnson 70th district, Jones, Kinner, Lee 17th district, Loy, Means, McCartney, Medill, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

Mr. Russell moved to amend the resolution so it would read as a concurrent resolution. Carried.

Mr. Glick offered the following as an amendment, and moved that it be adopted :

*Provided*, That nothing herein must be held as construing the late treaty between the United States and Great Britain, as authorizing Great Britain to visit or search American vessels.

The ayes and noes were demanded with the following result:  
Ayes 19. Noes 49.

Those voting in the affirmative were Messrs. Baker, Bottom, Bowman, Bradley, Campbell 88d district, Drake, Ellis, Fullington, Glick, Gordon, Grover, Gwartney, Hollister, Jackman, Jones, Latin, McCartney, Miller and Walker.

Those voting in the negative were Messrs. Alford, Beeson, Barrett, Bishop, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Eskridge, Ford, Foster 80th district, Griffith, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Ide, Johnson 1st district, Johnston 70th district, Kinner, Lacock, Lee 17th district, Loy, Means, Medill, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Ward, Weisback and Williams.

On motion of Mr. Glick, a call of the House was ordered, and the roll was called.

Absentees—Messrs. Foster, Lee and Irwin.

Mr. Griffith moved that the further call of the House be dispensed with. Lost.

The sergeant-at-arms returned with Mr. Lee, of Jefferson.

Mr. Rogers moved that the further call of the House be dispensed with. Lost.

The sergeant-at-arms returned and reported Messrs. Foster and Irwin.

On motion, further proceedings under the call were dispensed with.

The question recurring on the original resolution,

The ayes and noes were demanded with the following result:  
Ayes 60. Noes 12.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Eskridge, Ford, Foster 40th district, Fullington, Griffith, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Kinner, Lee 17th district, Lee 19th district, Loy, Means, Medill,

Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Campbell 33d district, Ellis, Foster 30th district, Glick, Gordon, Grover, Gwartney, Jones, Lacock, Lattin, McCartney and Miller.

So the resolution was adopted.

On motion, the House adjourned.

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#### AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

Bill No. 58, "an act to amend an act entitled 'an act regulating the terms of the district courts in the several judicial districts,' approved May 20th, 1861," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 64. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Downing, Drake, Ellis, Emery, Ford, Foster 30th district, Fullington, Glick, Gordon, Griffith, Gwartney, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Saunders, Sayer, Snyder, Steel, Stratton, Underhill, Vaughn, Walker, Weisback and Williams.

And so the bill passed.

Title agreed to.

Mr. Saunders, from the committee on engrossed bills, by consent, made the following report:

MR. SPEAKER:—The committee on engrossed bills have examined House Bill No. 63, entitled "an act to amend an act entitled 'an act



regulating the terms of the district court in the several judicial districts," and find it correctly engrossed.

WM. R. SAUNDERS, *Chairman*.

Bill No. 63, "an act to amend an act entitled 'an act regulating the terms of the district court in the several judicial districts,' " (substitute) was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 65. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Ford, Foster 30th district, Fullington, Glick, Gordon, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

And so the bill passed.

Title agreed to.

Bill No. 6, "an act relating to costs in criminal cases," (substitute for Bill No. 6, "an act relating to costs where the State of Kansas is plaintiff,") was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 53. Noes 12.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Ford, Foster 30th district, Fullington, Gordon, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Johnson 1st district, Johnston 70th district, Kinner, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Page, Russell, Sayer, Stratton, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Bottom, Campbell 38d district, Ide, Irwin, Jackman, Jones, Lacock, Rogers, Saunders, Snyder and Steel.

And so the bill passed.

The title was agreed to.

Bill No. 100, "an act authorizing county commissioners to increase or diminish the number of justices of the peace in any township," (substitute for Bills Nos. 68 and 84) was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 59. Noes 11.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 38d district, Campbell 54th district, Clark, Christie, Cobb, Craft, Dennison, Douthitt, Downing, Drake, Emery, Ford, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Irwin, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Vaughn, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Bottom, Conrey, Ellis, Foster 30th district, Ide, Jackman, Kinner, McCartney, Medill, Underhill and Walker.

And so the bill passed.

The title was agreed to.

Bill No. 101, "an act relating to the examination of parties to any civil action or proceeding," (substitute for Bill No. 69) was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 31. Noes 37.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bradley, Broadhead, Campbell 55th district, Craft, Dennison, Douthitt, Emery, Fullington, Glick, Gordon, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Johnson 1st district, Johnston 70th district, Kinner, Lacock, Lee 17th district, Means, Miller, Mitchell, Russell, Sayer, Stratton, Vaughn and Ward.

Those voting in the negative were Messrs. Barrett, Bowman, Brown 22d district, Brown 54th district, Bottom, Campbell 38d

district, Clark, Christie, Cobb, Conrey, Downing, Drake, Ellis, Ford, Foster 30th district, Griffith, Gwartney, Hanson, Ide, Irwin, Jackman, Jones, Lattin, Lee 19th district, Loy, McCartney, Medill, Page, Rogers, Saunders, Snyder, Steel, Tucker, Underhill, Walker, Weisback and Williams.

So the bill did not pass.

Bill No. 78, "an act concerning evidence," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 71. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foster 30th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacook, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

And so the bill passed.

The title was agreed to.

The House resolved itself into the committee of the whole for the consideration of the special order, Bill No. 42, "an act to fund the territorial debt."

After some time spent therein, the committee arose, reported progress, and asked leave to sit again next Monday, at 2 o'clock P. M.

Report was agreed to.

Mr. Russell moved to adjourn. Lost.

Mr. Eskridge moved that the House proceed with the regular order.

House Joint Resolution was taken up and read.

Mr. Griffith moved to lay the resolution on the table.

On which the ayes and noes were taken with the following result: Ayes 22. Noes 40.

Those voting in the affirmative were Messrs. Brown 22d district, Brown 54th district, Campbell 55th district, Cobb, Dennison, Douthitt, Downing, Foster 30th district, Fullington, Gordon, Griffith, Grover, Hawkins, Hollister, Johnston 1st district, Jones, Lee 17th district, Means, McCartney, Rogers, Snyder and Ward.

Those voting in the negative were Messrs. Barrett, Bottom, Bowman, Bradley, Broadhead, Campbell 33d district, Clark, Christie, Conrey, Craft, Drake, Emery, Eskridge, Ford, Gwartney, Harrison, Hidden, Hiner, Hollinberg, Ide, Jackman, Johnson 70th district, Kinner, Jacock, Lattin, Lee 19th district, Loy, Miller, Mitchell, Russell, Saunders, Sayer, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback, and Williams.

So the motion did not prevail.

Mr. Rogers moved that the House adjourn. Lost.

Mr. Glick moved to amend by striking out "not."

Mr. Griffith moved to amend as follows, which was adopted :

*Resolved*, That we heartily concur in the recommendation of Gov. Morton, of Indiana, relating to the increase of soldiers' pay, and that the judiciary committee be instructed to report a concurrent resolution, memorializing Congress to pass a law for that purpose.

On motion, the House adjourned.

THURSDAY, January 29, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Brown 22d district, Campbell, Ide, Jackson, Lee, Russell and Weisback.

Journal of yesterday read and approved.

Mr. Ford presented the petition of the Mayor of the city of Lawrence and 92 others, praying for a change of the State road running from Lawrence to Paola.

Referred to the committee on roads and highways.

Mr. Rogers presented a petition of Geo. B. Holmes and others, praying for a State road.

Referred to the committee on roads and highways.

Mr. Rogers, from the committee on education, made the following report:

MR. SPEAKER:—Your committee, to whom was referred House Bill No. 51, entitled "an act to amend 'an act for the regulation and support of common schools,'" have had the same under consideration, and request me to report the same back, and ask that the same be referred to the committee on ways and means.

JAMES ROGERS, *Chairman*.

MR. SPEAKER:—Your committee, to whom was referred a resolution requesting the committee on executive to inquire what further legislation is necessary to prohibit trespass on school lands, request me to report that they have had the same under consideration, and find that no further legislation is necessary.

JAMES ROGERS, *Chairman*.

MR. SPEAKER:—Your committee, to whom was referred House Bill No. 87, "an act to raise funds for educational purposes," have had the same under consideration, and request me to report the same back to the House and recommend its rejection.

JAMES ROGERS, *Chairman*.

MR. SPEAKER:—The committee, to whom was referred House Bill No. 22, entitled "an act to provide for the introduction of the bible

into common schools," have had the same under consideration, and request me to report the same back to the House without recommendation.

JAMES ROGERS, *Chairman.*

MR. SPEAKER:—Your committee, to whom was referred House Bill No. 99, entitled "an act to amend an act entitled 'an act for the regulation and support of common schools,'" have had the same under consideration, and request me to report the same back to the House and recommend its passage, with the following amendment:

Strike out the word "fifteen," in section 2, and insert the word "fifty-one."

JAMES ROGERS, *Chairman.*

MR. SPEAKER:—Your committee, to whom was referred House Bill No. 33, entitled "an act to amend 'an act for the regulation and support of schools,'" have had the same under consideration, and request me to report the same back and recommend its reference to the committee on ways and means.

JAMES ROGERS, *Chairman.*

Mr. Medill, from the committee on agriculture, made the following report:

MR. SPEAKER:—Your committee on agriculture have had under consideration Bill No. 41, entitled "an act to prevent the firing of woods, marshes and prairies," and have instructed me to report the same back and recommend its rejection.

JAMES MEDILL, *Chairman.*

Mr. Christie, by consent, presented a petition from S. H. House and others, praying for the repeal of an act to regulate the running at large of swine.

Referred to the committee on agriculture.

Mr. Glick offered the following resolution, which was adopted:

*Resolved*, That the Auditor of State be requested to inform this House whether any county in this State has failed to assess or pay into the territorial or State treasury its amount of territorial taxes; if so, what counties, and what is the indebtedness now due from said counties.

Mr. Lee offered the following resolution, which was adopted:

*Resolved*, That a committee of three on the part of the House be appointed to act in conjunction with a similar committee of two on

the part of the Senate, for the purpose of examining the books and papers of D. L. Lakin, ex-auditor of State.

The Speaker appointed Messrs. Lee, Baker and Johnson of the 1st district, as such committee.

Mr. Griffith offered the following resolution, which was adopted :

*Resolved*, That the committee on printing be instructed to inquire what legislation is necessary in order to secure the printing of the reports of State officers at the beginning of the session of the Legislature, that the members may have the use of the same, with instructions to report by bill or otherwise.

Mr. Grover offered the following resolution, which was adopted :

*Resolved*, That the sergeant-at-arms be ordered to report immediately what has been his action under a resolution of this House in relation to furnishing members with newspapers, other than the *State Record*.

Mr. Lacock offered the following resolution, which was laid over under the rules :

*Resolved*, That the Auditor of State be required to report to this House at as early a day as possible, the whole amount of territorial warrants outstanding and unredeemed ; the day and date that the same were issued ; to whom issued, and for what purpose or service the same were issued.

*Resolved*, That the clerk of the House be required to furnish the Auditor with a copy of the above resolution.

Mr. Ide offered the following resolution, which was adopted :

WHEREAS, The following affidavit of J. L. Thompson, marked "A," represents that certain surgeons in the service of the United States at Louisville, Kentucky, have been guilty of the barbarous and inhuman practice of dissecting the remains of our deceased soldiers dying in hospital ; therefore

*Be it resolved* by the House of Representatives of the State of Kansas, That we request an early investigation of the facts detailed in said affidavit, and if their truth is established in such investigation, then we demand that every officer guilty of such foul and outrageous conduct be at once disgracefully dismissed from the service.

*Resolved*, That the Governor is requested to forward a copy of these resolutions to the Secretary of War without delay.

I, J. L. Thompson, of the county of Waubesa, and State of

Kansas, depose and say that on the 23d day of December, 1862, I received a letter from Capt. Jno. Greelish, of Company E, 8th Kansas Volunteers, and dated Nashville, Dec. 11th, 1862, informing me of the death of my son, Haynie Thompson, who, at the time of his decease, was a member of said company. That I immediately repaired to Louisville, Ky., where my son had deceased on the 6th of the same month, for the purpose of removing his remains to Kansas. That on my arrival at the city of Louisville, I was astonished to learn from a nurse of hospital No. 7, where my son had died, that his remains had been already dissected. On making further inquiry of an assistant surgeon, I learned that such was the truth, and that he, the said assistant, had helped perform the operation, and that he had authority so to do.

I was also further informed by the nurses of said hospital, and by others well knowing the facts, that more than half of those dying at said hospital were used for the purposes of dissection. I was also informed, by good authority, that the chief surgeon, W. W. Goldsmith, and all his assistants, were strong sympathisers with the rebellion, and that corpses were often left unburied in the dead house several days for the purposes of dissection.

J. L. THOMPSON.

Sworn and subscribed to before me, a notary public, this the 28th day of January, A. D. 1863.

J. F. CUMMINGS, Notary Public.

The following resolution offered yesterday, relative to adjournment, was taken up :

*Resolved*, That this House adjourn the 25th day of February, A. D. 1863.

On motion, the resolution was indefinitely postponed.

Concurrent Resolution No. 8, memorializing the General Government for a grant of lands for the construction of railroads in the State of Kansas.

Mr. Bradley moved to adopt the resolution. Lost.

House Concurrent Resolution No. 12, substitute for 4 and 7, indorsing the views of the President set forth in his proclamations of September 22d, 1862, and January 1st, 1863, and pledging the support of the State in this execution thereof, and in the suppression of the rebellion, was taken up and adopted.

House Joint Resolution No. 6, was taken up and Senate amendments concurred in.



Mr. Griffith introduced House Joint Resolution No. 6, accepting the provisions of an act of Congress entitled "an act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2d, 1862, was

Read the first time.

Mr. Tucker introduced House Joint Resolution No. 7, to amend section 25 of article 2 of the constitution of the State of Kansas.

Read the first time.

Mr. Lee introduced House Bill No. 128, entitled "an act regulating marriages."

Read the first time.

Mr. Glick introduced House Bill No. 129, entitled "an act to define what shall constitute the publication of laws."

Read the first time.

Also, House Bill No. 130, entitled "an act to prescribe the manner of applying for pardons."

Read the first time.

Mr. Campbell of Allen, introduced House Bill No. 131, entitled "an act to amend an act, approved March 6, 1862, entitled 'an act to amend an act to provide for the assessment and collection of taxes,' approved Feb. 27, 1860."

Read first time.

Mr. Means introduced House Bill No. 132, entitled "an act supplemental to an act entitled 'an act regulating inclosures,' approved Feb. 11th, 1859."

Read the first time.

Mr. Weisback introduced Bill No. 133, entitled "an act to declare the road leading from Seneca, Nemaha county, to a point where the present military road crosses the north line of the State of Kansas, in the territory of Nebraska, a State road."

Read the first time.

Also, House Bill No. 134, entitled "an act to amend an act entitled 'an act incorporate the city of Marysville.'"

Read the first time.

Mr. Medill introduced House Joint Resolution No. 8, memorializing Congress to make provision for the bridging and improving of the military road from Fort Leavenworth via Fort Riley to Fort Laramie."

Read the first time.

Mr. Ellis introduced House Bill No. 135, entitled "an act to change the location of the State road from Fort Leavenworth to Fort Scott."

Read the first time.

Mr. Brown introduced House Bill No. 136, entitled "an act to locate a State road from Fort Scott in Bourbon county, to Neosho Falls, in Woodson county."

Read the first time.

Mr. Hanson introduced House Bill No. 137, entitled "an act to prohibit the carrying or wearing of concealed weapons."

Read first time.

Mr. Page introduced House Bill No. 138, entitled "an act to provide for the erection of a dam across the Neosho river."

Read the first time.

Mr. Stratton introduced House Bill No. 139, entitled "an act to locate a certain State road."

Read the first time.

Mr. Drake introduced House Bill No. 140, entitled "an act to locate a certain State road."

Mr. Craft introduced House Bill No. 141, entitled "an act to establish certain State roads."

Read the first time.

Mr. Emery introduced House Bill No. 142, entitled "an act to create a lien in favor of mechanics and others, and to regulate the proceedings to enforce the collection of the same."

Read the first time.

Also, House Bill No. 143, entitled "an act to amend an act entitled 'an act to establish a code of civil procedure.'"

Read the first time.

Also, House Bill No. 144, entitled "an act to amend 'an act relating to executions returned not satisfied.'"

Read the first time.

Mr. Ide introduced House Bill No. 145, entitled "an act to repeal an act entitled 'an act to provide for the redemption of real estate sold under execution, order of sale or other final process.'"

Read the first time.

Mr. Lacock introduced House Bill No. 146, entitled "an act to establish a State road from Lawrence to Hiawatha."

Read the first time.

Mr. Medill, introduced House Bill No. 147, entitled "an act to amend an act entitled 'an act regulating 'inclosures,' approved Feb. 11th, 1859.'"

Read the first time.

On motion of Mr. Drake, the rules were suspended and Bill No. 140

Read the second time and referred to the committee on county seats and county lines.

On motion of Mr. Glick, the rules were suspended and House Joint Resolution No. 6, was

Read second time.

On motion of Mr. Glick, the rules were suspended and House Joint Resolution No. 6 was

Read the third time.

The question being "Shall the resolution pass?" the vote resulted as follows: Ayes 68. Noes 0.

Those voting in the affirmative were Messrs. Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th dist., Campbell 33d dist., Campbell 55th dist., Clark, Ellis, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Christie, Emery, Eskridge, Foster 30th dist., Foster 40th dist., Fullington, Glick, Gordon, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Kinner, Lacoock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

And so the resolution passed.

Title was agreed to.

Mr. Ide introduced House Bill No. 148, entitled "an act to create and establish a college for the benefit of agriculture and the mechanic arts."

Read the first time.

House Joint Resolution No. 5, was

Read second time and referred to the committee on judiciary.

Bill No. 119, "an act conferring upon tribunals transacting county

business, the power to provide for the regulating of the running at large of swine."

Read the second time and referred to the committee on agriculture.

Bill No. 120, "an act amendatory to an act entitled 'an act to incorporate the city of Iowa Point,' approved Feb. 14, 1857."

Read the second time and referred to the committee on corporations.

Bill No. 121, "an act concerning the liabilities of hotel keepers."

Read second time and referred to the committee on judiciary.

Bill No. 122, "an act to locate the State University at Emporia."

Read the second time and referred to the committee on public institutions.

Bill No. 123 "an act amendatory to an act entitled 'an act to regulate elections and prescribe the qualifications of voters, and to prevent illegal voting.'"

Read second time and referred to the committee on elections.

Bill No. 124, "an act to amend an act entitled 'an act to restrain dram shops and taverns, and regulate the sale of intoxicating liquors.'"

Read the second time and referred to the committee on education.

Bill No. 125, "an act to survey and establish the old Santa Fe road."

Read second time and referred to the committee on roads and highways.

Bill No. 126, "an act relating to fences."

Read the second time and referred to the committee on agriculture.

Bill No. 127, "an act appropriating money for the expenses of the supreme court."

Read the second time and referred to the committee on ways and means.

The House resolved itself into committee of the whole for the consideration of Bills Nos. 79, 74, 52, 3 and 11.

Mr. Drake in the chair.

After some time spent therein, the committee arose, and through its chairman, reported Bill No. 3, "an act to regulate the agencies of insurance companies not incorporated by the State of Kansas," with amendments and its passage recommended.

Also, reported progress on Bills Nos. 79, 74, 52 and 11, and asked leave to sit again.

The report was agreed to, and Bill No. 3 ordered to be engrossed.

Mr. Russell, from the committee on ways and means, reported Bill No. 108, "an act to provide for the current legislative expenses for the year 1863," and recommended its passage.

On motion, the House adjourned.

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#### AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

The House resolved itself into committee of the whole for the consideration of unfinished business of the forenoon.

Mr. Drake in the chair.

After some time spent in committee, the chairman reported back Bill No. 79, "an act relating to the sale of land under mortgage, recommending that the enacting clause be stricken out.

Also, Bill No. 74, "an act to confer additional legislative jurisdiction upon tribunals transacting county business," and recommended its rejection.

Also, Bill No. 11, "an act to repeal 'an act relating to suits on foreign judgments,'" and recommended its passage.

Also, Bill No. 52, "an act to abolish the office of trustee," &c., and recommended its rejection.

Bill No. 3, "an act to regulate the agencies of foreign insurance companies," and Bill No. 11, "an act to repeal the act relating to foreign judgments," were ordered to be engrossed.

The House then resolved itself into committee of the whole for the consideration of Bills Nos. 14, 16, 17, 20 and 24.

Mr. Lacock in the chair.

After some time spent therein, the committee arose, reported Bill No. 14, "an act to repeal section 34 of the general tax law," and recommended that it be made the special order for next Thursday.

Also, Bill No. 16, "an act for the regulation of the penitentiary of the State of Kansas," and recommended that it be made the special order for Wednesday next.

Also, Bill No. 17, "an act to authorize school district No. 1, in Lyon county, to issue bonds and recommended that it be made the special order for Wednesday next.

Also, Bill No. 20, "an act in relation to the right of redemption of real estate sold under execution, order of sale or other final process."

And Bill No. 24, "an act to amend an act, approved March 6th, 1862, entitled 'an act amend an act to provide for the assessment and collection of taxes,' approved February 27th, 1860," reporting progress on the same and asked leave to sit again.

The report of the committee was agreed to.

Mr. Eskridge, by consent, introduced the following resolution, which was adopted :

*Resolved*, That the judiciary committee be instructed to introduce a general bill authorising the people of school districts in this State to issue bonds for the erection of school houses in their respective districts.

The House then adjourned.

FRIDAY, January 30, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Bowman, Brown 22d district, Brown 54th district, Craft, Douthitt, Emery, Ford, Foster 30th district, Gwartney, Hollister, Johnson 1st district, Johnston 70th district, McCartney, Page, Russell and Stratton.

Prayer by the Rev. Mr. Paulson.

Journal of yesterday read and approved.

Mr. Clark presented the petition of Henry Wilson and others, praying for a State road from Wathena to the Nebraska State road.

Referred to the committee on roads.

Mr. Cobb presented the remonstrance of William Hall and others of the 12th Kansas regiment, against the change of the county seat of Bourbon county.

Referred to the committee on county seats and county lines.

Mr. Jones, from the committee on corporations, made the following reports:

MR. SPEAKER:—Your committee to whom was referred Bill No. 120, entitled "an act amendatory to an act entitled 'an act to incorporate the city of Iowa Point,' approved February 14th, 1857," have had the same under consideration and instruct me to report the same back to the House with the following amendments, viz.:

Section 3. That section 1 of "an act entitled 'an act to incorporate the city of Iowa Point,' approved February 4th, 1857," be and the same are hereby repealed.

And recommend its passage.

J. H. JONES, Chairman pro tem.

Also Bill No. 47, "an act to authorize Henry Green to erect a toll bridge across Cow creek, on the Santa Fe road, at or near Green's crossing, and fixing the rates of toll at the same," has been under consideration, and I am instructed to report the same back to the House without recommendation.

J. H. JONES, Chairman pro tem.

Mr. G. M. Lee, from the committee on accounts, reported in favor of the allowance of the account of L. C. Wilmarth, as messenger in procuring of certain election returns.

The report was adopted.

Mr. Medill, from the committee on agriculture, reported Bill No. 126, "an act relating to fences," and recommended its reference to the committee on judiciary.

MR. SPEAKER:—Your committee on agriculture, to whom was referred Bill No. 119, "an act conferring upon tribunals transacting county business the power to provide for the regulating of the running at large of swine," have had the same under consideration and instruct me to report the same back to the House and recommend its passage.

JAMES MEDILL.

Mr. Emery, from the committee on judiciary, reported Bill No. 121, "an act concerning the liability of hotel keepers," and recommended its passage.

Also Bill No. 105, "an act exempting certain property from sale on execution," and recommended that it be printed.

Mr. Burgess, sergeant-at-arms, in answer to a resolution passed yesterday, relating to daily newspapers, reported that as far as members had left names with him their papers had been ordered.

Mr. Eskridge, from the committee on county seats and county lines, reported Bill No. 26, "an act providing for the permanent location of the county seat of Bourbon county," and recommended its passage.

Also Bill No. 140, "an act for the removal and permanent location of county seats," and recommended its passage.

Mr. Campbell, from committee on public lands, made the following report:

MR. SPEAKER:—Your committee on public lands, requested by resolution of this House to report the "provisions of the act of Congress granting lands to the several States for agricultural purposes," would respectfully report that, by act of Congress approved July 2d, 1862, there was donated to the several States an amount of land equal to thirty thousand acres for each Senator and Representative such State is entitled to by the apportionment under the census of 1860, out of any lands—not mineral—subject to private entry at \$1.25 per acre or less, and if there is not a sufficient quan-



tity of land within the State entitled to the same, so subject to private entry, then the Secretary of the Interior is required to issue land scrip to make up the deficiency of the distributive share of such State, at \$1.25 per acre; said scrip to be sold by the State entitled to the same, with a provision that no State shall locate such scrip in any other of the States or Territories of the United States; but that the assignees may locate the same on any unappropriated lands of the United States, subject to private entry at \$1.25 per acre; with a further proviso that not more than 1,000,000 of acres shall be located in any one State, and that no such location shall be made within one year from the date of this act. Said lands, after being surveyed, are to be appropriated to the several States, in sections or subdivisions of sections, not less than a quarter section.

All the expenses of management, superintendence and taxes from the time of selection to date of sale, and all expenses incurred for the management and disbursement of the proceeds of the sale of said lands and scrip, to be paid by the State; so that the entire proceeds of the lands shall be applied, without any diminution, to the purposes of the grant hereinafter mentioned.

The proceeds of the sales of the lands and scrip are to be invested in stocks of the United States or of the States, or of some other safe stocks, yielding not less than five per centum upon the par value of the same, to constitute a perpetual fund, the capital of which shall remain forever undiminished, except as hereafter mentioned. The interest to be inviolably appropriated by the State accepting the same to the support of at least one college where the leading object shall be, without excluding other scientific and classical studies, including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the several States may prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

The fifth section of the act reads as follows, which your committee deem it proper to give entire in this report, viz.:

That the grant of land and land scrip hereby authorized, shall be made on the following conditions to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts.

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon shall, by

any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the 4th section of this act, (i. e. as above expressed,) except that a sum not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said States.

Second. No portion of said fund or the interest thereon shall be applied, directly or indirectly, under any pretence whatever, to the purchase, erection, preservation or repair of any building or buildings.

Third. Any State, which may take and claim of the provisions of this act, shall provide, within five years at least, not less than one college, as described in the 4th section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made, regarding the progress of each college, recording any improvements or experiments made, with their costs and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail, free by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionately diminished.

Sixth. No State, while in a state of insurrection or rebellion against the Government of the United States, shall be entitled to the benefits of this act.

Seventh. No State shall be entitled to the benefits of this act, unless it shall express its acceptance thereof by its legislature, within two years from the date of its approval by the President.

The land officers shall receive the same fees for locating land scrip under the provisions of this act, as for locating land warrants; but their maximum compensation shall not be increased.

The Governor shall report annually to Congress all sales made of such land scrip, until the whole be disposed of, the amount received, and for what purpose expended.

J. H. CAMPBELL, *Chairman*.  
D. UNDERHILL,  
B. E. FULLINGTON,  
J. HAWKINS,  
H. V. BEESON.

The following message from the Senate was read :

MR. SPEAKER:—I am directed to notify the House that the Senate has passed Concurrent Resolution No. 6, in relation to donating certain works to the mercantile library association of Leavenworth county, and desire your concurrence therein.

JOHN FRANCIS, *Secretary*.

The resolution was then taken up and concurred in.

Mr. Russell offered the following resolution, which was adopted :

*Resolved*, That the Secretary of State be requested to furnish the State printer with a copy of the opinion of Attorney General Stinson, concerning the liability of the State for the debt of the Territory ; and that 150 copies of the said opinion be ordered printed for the use of the House and Senate.

Mr. Irwin offered the following preamble and resolution :

WHEREAS, There is a difference of opinion with the members of this House upon which side of the question the opinion of the Attorney General, dated January 22d, 1868, was given ; therefore,

*Resolved*, That the Attorney General be requested to inform this House, specifically and without argument, whether the State of Kansas is or is not liable for the debts contracted by the Territory of Kansas.

The resolution, offered on a previous day, requesting the Auditor to report the amount of Territorial warrants outstanding and unredeemed, &c., was taken up.

Mr. Grover moved to lay on the table. Lost.

The resolution was then adopted.

Mr. Brown, of Leavenworth, offered the following resolution :

*Resolved*, That the use of this House be granted to the ladies of the Methodist Church on next Friday evening, for the purpose of holding a festival.

Mr. Russell moved to lay on the table. Lost.

Ayes 34. Noes 85.

Those voting in the affirmative were Messrs. Barrett, Bishop, Bradley, Campbell 55th district, Clark, Christie, Downing, Eakridge, Ford, Foreman, Foster 30th district, Foster 40th district, Glick, Grover, Gwartney, Hawkins, Ide, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Means, Medill, Rogers, Russell, Saunders, Steel, Tucker, Vaughn, Ward, Weisback and Alford.

Those voting in the negative were Messrs. Baker, Beeson, Bottom, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Cobb, Conrey, Dennisen, Douthitt, Drake, Ellis, Fullington, Gordon, Griffith, Hanson, Harrison, Hidden, Hiner, Hollenberg, Lee 17th district, Lee 19th district, Loy, McCartney, Miller, Mitchell, Page, Sayer, Snyder, Stratton, Underhill, Walker and Williams.

Mr. Johnson, of Doniphan, moved to refer the resolution to the committee on ways and means. Carried.

The following bills were then introduced and read the first time:

By Mr. Glick, Bill No. 149, "an act to amend the code of civil procedure."

By Mr. Griffith, Bill No. 150, "an act to change the county lines of Jefferson, Leavenworth, Johnson, Douglas and Franklin counties."

By Mr. Russell, Bill No. 151, "an act to amend the act providing for the election of county officers."

By Mr. McCartney, Bill No. 152, "an act for the location of a State road from Eureka, in Greenwood county, to Ohio City, Franklin county."

By Mr. Underhill, Bill No. 153, "an act to locate a road from Leavenworth to near Keokuk, Linn county."

By Mr. Ward, Bill No. 154, "an act to define the south boundary of Shawnee county."

By Mr. Rogers, Bill No. 155, "an act to remove the county line now established between Osage and Shawnee counties three miles north."

By Mr. Bottom, Bill No. 156, "an act to exempt vineyards from taxation."

Also Bill No. 157, "an act to encourage the cultivation of cotton, grapes and sorghum."

By Mr. Saunders, Bill No. 158, "an act relating to unorganized counties while attached to organized counties for judicial purposes."

The following bills were then read a second time and referred as follows:

Bill No. 128, "an act regulating marriages."

Read the second time and referred to the committee on judiciary.

Bill No. 129, "an act to define what shall constitute the publication of laws."

Read the second time and referred to the committee on judiciary.

Bill No. 130, "an act to prescribe the manner of applying for pardons."

Read second time and referred to the committee on judiciary.

Bill No. 131, "an act entitled an act to amend an act approved March 6th, 1862, entitled an act to amend 'an act to provide for the assessment and collection of taxes,' approved February 27, 1860."

Read the second time and referred to the committee on ways and means.

Bill No. 132, "an act supplemental to an act entitled 'an act regulating enclosures,' approved February 11th, 1859."

Read the second time and referred to the committee on agriculture.

Bill No. 133, "an act to declare the road leading from Seneca, Nemaha county, to a point where the present military road crosses the north line of the State of Kansas, in the Territory of Nebraska, a State road."

Read second time and referred to the committee on roads.

Bill No. 134, "an act to amend an act entitled 'an act to incorporate the city of Marysville.'"

Read second time and referred to the committee on corporations other than banks.

Bill No. 136, "an act to change the location of the State road from Fort Leavenworth to Fort Scott."

Read second time and referred to a special committee.

Messrs. Dennison, Campbell of Johnson, Drake, Ellis and Ide were appointed such committee.

Bill No. 136, "an act locate a State road from Fort Scott, in Bourbon county, to Neosho Falls, in Woodson county."

Read second time and referred to the committee on roads.

Bill No. 137, "an act to prohibit the carrying or wearing of concealed weapons."

Read second time and referred to the committee on judiciary.

Bill No. 138, "an act entitled an act to provide for the erection of a dam across the Neosho river."

Read second time and referred to the committee on internal improvements.

Bill No. 138, "an act to locate a certain State road."

Read second time and referred to the committee on roads.

Bill No. 141, "an act to establish certain State roads."

Read second time and referred to the committee on roads.

Bill No. 142, "an act to amend an act entitled "an act to create a lien in favor of mechanics and others, and to regulate the proceedings to enforce the collection of the same.'"

Read second time and referred to the committee on judiciary.

Bill No. 143, "an act to amend an act entitled 'an act to establish a code of civil procedure.'"

Read a second time and referred to committee on judiciary.

Bill No. 144, "an act to amend 'an act relating to executions returned not satisfied.'"

Read second time and referred to the committee on judiciary.

Bill No. 145, "an act to repeal an act entitled 'an act to provide for the redemption of real estate sold under execution, order of sale or other final process.'"

Read second time and referred to committee on judiciary.

Bill No. 146, "an act to establish a State road from Lawrence to Hiawatha."

Read second time and referred to the committee on judiciary.

Bill No. 147, "an act to amend an act entitled 'an act regulating enclosures,' approved February 14th, 1859."

Read the second time and referred to the committee on agriculture.

Bill No. 148, "an act to locate and establish a college for the benefit of agriculture and the mechanic arts."

Read second time and referred to the committee on public institutions.

Joint Resolution No. 7, which provides a change in the time of holding sessions of the Legislature, was

Read second time and referred to the committee on judiciary.

Joint Resolution No. 8, memorialising Congress to make provision for improving the military road from Fort Leavenworth by the way of Fort Riley to Fort Larned, was

Read second time and referred to the committee on federal relations.

A message from the Governor was then received through his private secretary :

EXECUTIVE OFFICE,  
Tepeka, January 30, 1863. }

*To the House of Representatives :*

I herewith transmit, for the consideration of the Legislature, a report of the Treasurer of State, exhibiting the operations of his department since the admission of the State.

Respectfully,  
THOMAS CARNEY.

The report was referred to the committee on printing.

By consent, Mr. Eskridge offered the following resolution, which was adopted :

*Resolved*, That the committee on roads and highways be instructed to prepare a general bill for the establishment of State roads.

The House then went into the committee of the whole.

Mr. Baker in the chair.

After some time spent therein, the committee arose, reported progress, and asked leave to sit again.

The report was agreed to.

On motion, the House adjourned.

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## AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

By consent, Mr. Saunders, from the committee on engrossed bills, reported Bill No. 3, "an act to regulate the agencies of foreign insurance companies."

Also, "an act to repeal the act relating to suits on foreign judgments," as having been correctly engrossed.

The House then went into the committee of the whole for the consideration of the unfinished business of the forenoon.

Mr. Baker in the chair.

The Speaker resumed his seat, when

The following message from the Senate was received :

MR. SPEAKER:—I am directed to notify the House that the Senate has passed Bill No. 1, "an act to provide for the cancelling of certain bonds," without amendment.

I am also directed to call the attention of your honorable body to joint rule No. 4, as applicable to House Concurrent Resolution Nos. 9 and 10.

JOHN FRANCIS, *Secretary*.

After some time spent therein, the committee of the whole arose and reported back Bill No. 30, "an act to regulate insurance companies," and recommended its passage.

Also Bill No. 35, "an act prescribing the duties of township assessors in making lists of the deaf and dumb, blind and idiotic persons in their respective townships, &c.," and recommended its passage as amended.

Also Bill No. 86, "an act to legalize the collection of taxes in Johnson county," and recommended its passage.

Also Joint Resolution No. 4, memorialising the general government to make the road from Fort Leavenworth to Fort Scott a military road, &c., and recommended its adoption.

Also Bill No. 92, "an act to change the name of Grasshopper Falls, &c.," and recommended its passage.

The report of the committee was agreed to,

By consent, Mr. Rogers introduced Bill No. 159, "an act to provide for the changing of names," which was read the second and third times.

The House then went into committee of the whole for the consideration of Bill No. 159.

Mr. Ford in the chair.

When the committee arose it reported in favor of the passage of the bill.

The report of the committee was agreed to.

The House then went into committee of the whole for the consideration of Bills No. 71, 76, 77, 83 and 94.



Mr. Glick in the chair.

After some time spent in committee, Bill No. 71, "an act to amend the tax law," was reported with the enacting clause stricken out.

Bill No. 76, "an act to provide for the custody of the law library of the State of Kansas," was recommended to be passed.

Bill No. 77, "an act to amend the habeas corpus act," was reported and its passage recommended.

The rejection of Bill No. 82, "an act to appropriate money," was recommended.

The printing of Bill No. 94, "an act relating to judicial proceedings for the benefit of disloyal persons," was ordered to be printed.

Mr. Mitchell moved the recommendation of the committee of the whole, so far as it referred to Bill No. 71, be disagreed to; and that it be placed upon the calendar as a part of the general orders.

The ayes and noes being demanded the vote resulted as follows :  
Ayes 34. Noes 31.

Those voting in the affirmative were Messrs. Baker, Barrett, Bowman, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Dennison, Douthitt, Eskridge, Ford, Foreman, Foster 30th district, Glick, Gwartney, Harrison, Hiner, Jackman, Johnston 1st district, Jones, Kinner, Lacock, Lee 19th district, Means, McCartney, Mitchell, Rogers, Saunders, Snyder, Steel, Tucker, Vaughn and Ward.

Those voting in the negative were Messrs. Beeson, Bishop, Bottom, Clark, Christie, Cobb, Conrey, Downing, Ellis, Fullington, Gordon, Griffith, Grover, Hanson, Hawkins, Hidden, Hollinberg, Ide, Irwin, Johnson 70th district, Lee 17th district, Loy, Medill, Miller, Russell, Sayer, Stratton, Underhill, Walker, Weisback and Williams.

And so the motion prevailed.

On motion of Mr. Russell, the balance of the report was agreed to.

All the bills reported favorably were ordered to be engrossed.

Mr. Lacock made the following report, which was adopted :

MR. SPEAKER:—Your committee to whom was referred the report of the State Treasurer, would respectfully report that they recommend the same to be published in the *Daily State Record*.

By consent, Mr. Eskridge offered the following resolution, which was adopted :

*Resolved*, That all bills reported by standing committees without recommendation be printed.

By consent, Mr. Baker offered the following resolution, which was laid on the table :

*Resolved*, That the committee on ways and means be instructed to report on to-morrow on the resolution referred to them, granting the ladies of the Methodist Church the privilege of this House on next Thursday night for the purpose of holding a festival.

On motion, the House adjourned.

SATURDAY, January 31, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Campbell 55th district, Craft, Drake, Eskridge, Ford, Harrison, Hollister, Johnson 1st district, Johnston 70th district, Lee, Loy, Medill, Russell and Stratton.

Prayer by the chaplain.

Journal of yesterday read and approved.

Mr. Campbell presented petition of W. A. Simpson and others, which was

Referred to the committee on county seats and county lines.

Mr. Lacock, from the committee on printing, made the following report:

MR. SPEAKER :—Your committee on printing have held a consultation with the printing committee of the Senate, agreeably to two resolutions adopted by this body, report;

1st. That under the laws of 1861, providing for State printing, the contractor is allowed twenty days after the adjournment of the Legislature, in which to print the public documents, and the binder is allowed twenty days more, making forty days in all. In consequence of a lack of workmen, and the large amount of bill printing necessary for the legislature, the contractor cannot possibly print the public documents before the adjournment.

2d. In answer to the resolution inquiring what legislation is necessary to secure the early printing of the public documents for the use of the members, we find that the only thing necessary is an amendment of section 22 of "an act to provide for the State printing," above referred to, which will be found on page 760 of the compiled laws of Kansas.

We take the liberty of further reporting, that the law above referred to, makes it obligatory upon contractors for printing and binding to execute and deliver the returns of laws and journals within sixty days, at the very farthest, after receiving the copy from the Secretary of State, a failure to perform which renders the contractors and their sureties liable to a forfeiture of their bonds.

I. J. LACOCK, *Chairman.*

Mr. Jones, from the committee on corporations, made the following report :

MR. SPEAKER:—Your committee, to whom was referred Bill No. 134, entitled “an act to amend an act entitled ‘an act to incorporate the city of Marysville,’ ” have had the same under consideration, and instruct me to report the same back to the House amended as follows, and recommend its passage :

Strike out the quotation from section 1, article 5 of the act to which this is amendatory, and add the following sections :

Section 2. That section 1 of article 5 of the act to which this is amendatory, be and the same is hereby repealed.

Section 3. This act to take effect immediately its publication in the *State Record*.

J. H. JONES, *Chairman pro tem*.

Mr. Miller, from the committee on public institutions, made the following report :

MR. SPEAKER:—Your committee have had under consideration House Bill No. 81, entitled “an act to locate a State University,” and report the same back to the House and recommend its rejection.

Also, House Bill No. 122, entitled “an act to locate the State University at Emporia,” and report the same back to the House and recommend its passage.

Also, House Bill No. 148, entitled “an act to locate and establish a college for the benefit of agriculture and the mechanic arts,” and report the same back to the House and recommend its passage.

R. S. MILLER, *Chairman*.

Ordered, that Bill No. 81 be printed.

Mr. Miller moved that bills on public institutions be made the special order for Friday at 2 o'clock. Carried.

Mr. Means, from the committee on roads and highways, reported Bill No. 133, “an act to declare the road from Seneca, Nemaha county, to a point on the Nebraska line where the military road crosses the same, a State road,” and recommended its passage.

Mr. Lacock, from committee on judiciary, reported Bill No. 146, “an act to establish a State road from Lawrence to Hiawatha,” and recommended its passage.

Mr. Medill, from the committee on agriculture, reported Bill No. 59, “an act relating to mills and millers, and recommended its passage with amendments.

Amend section 1, by inserting after the word "toll," in the third line, the words "or pay."

Amend section 2, in the fifth line, by striking out "four" and inserting "two."

The following communication was received from the State Auditor:

AUDITOR'S OFFICE, TOPEKA, KANSAS, }  
January 29th, 1863.

*To the House of Representatives of the State of Kansas:*

GENTLEMEN;—In compliance with a resolution passed by the House of Representatives, January 29, 1863, requesting the Auditor of State to furnish to the House information on the following points:

1st. The total amount of State indebtedness at this date including bonds issued for all purposes, and outstanding warrants on the Treasurer.

2d. The total amount of bonds issued by the State.

3d. the amount of outstanding bonds at this date.

4th. The amount of warrants on the treasury now outstanding.

I respectfully submit the following report:

1st. Amount of general revenue warrants

outstanding January 29th, 1863, \$18,753 81

Amount of war warrants outstanding Jan.  
29, 1863.

853 10

Total warrants outstanding Jan. 29, 1863,

\$19,106 91

Amount of 7 per cent bonds issued and  
disposed of,

\$150,000 00

Amount of 10 per cent. bonds issued,

40,000 00

Total amount of bonds issued,

\$190,000 00

Amount of 10 per cent. bonds unsold,

90,00 00

Total amount of bonds outstanding Jan.  
29, 1863,

\$181,000 00

Total amount of indebtedness January  
29th, 1863,

\$200,161 91

2d. The total amount of bonds issued by  
the State is,

190,000 00

3d. The amount of outstanding bonds at  
this date is,

181,000 00

4th. The amount of warrants (State) on  
the Treasury, now outstanding,

19,106 91

ASA HAIRGROVE,  
Auditor of State.

Mr. Glick moved the communication be ordered printed by the State printer.

On motion, 500 copies of the communication were ordered to be printed.

Message from the Senate:

MR. SPEAKER:—I am directed to notify the House that the Senate has passed Bill No. 1 "an act to provide for cancelling certain bonds," without amendment.

I am also directed to call the attention of your honorable body to Joint Resolution No. 4, as applicable to House Concurrent Resolution Nos. 9 and 10.

JOHN FRANCIS, *Secretary*.

Mr. Foster of Leavenworth, offered the following resolution:

*Resolved*, That the attorney general be instructed to furnish this House his written opinion as to whether the lands known as "railroad lands," in Jefferson and Leavenworth counties, are taxable for State and county purposes, and what legislation, if any, is necessary and proper in relation thereto.

Adopted.

Mr. Tucker offered a resolution that no member shall speak more than ten minutes consecutively on the same subject.

Laid over under the rules.

The resolution offered yesterday, asking the attorney general's opinion on certain subjects, was taken up and rejected.

Mr. Underhill introduced Bill No. 160, "an act amendatory of an act entitled 'an act relating to townships and township officers,' approved February 27, 1860."

Read the first time.

Mr. Ward introduced Bill No. 161, an act entitled "an act to locate the State University at Tecumseh, county of Sawnee."

Read the first time.

Mr. Hiner introduced Bill No. 162, "an act to confer local legislation on county commissioners."

Read the first time.

Mr. Means introduced Bill No. 163, "an act to amend an act

entitled 'an act for the regulation and support of common schools.' "

Read the first time.

On motion, the rules were suspended, and Bill No. 163

Read second time and referred to committee on education.

The following bills were read a second time and referred as follows:

Bill No. 149, "an act to amend an act entitled 'an act to establish a code of civil procedure.' "

Read second time and referred to the committee on judiciary.

Bill No. 150, "an act to change the county lines of Jefferson, Leavenworth, Johnson, Douglas and Franklin counties,"

Read second time and referred to the committee on county seats and county lines.

Bill No. 151, "an act to amend 'an act providing for the election of township officers.' "

Read second time and referred to the committee on judiciary.

Bill No. 152, "an act to locate a State road from Eureka, in Greenwood county, by way of Neosho Falls, to Ohio City, in Franklin county."

Read the second time and referred to committee on roads and highways.

Bill No. 153, "an act to locate a certain State road."

Read second time and referred to the committee on roads and highways.

Bill No. 154, "an act defining the south boundary line of Shawnee county."

Read the second time and referred to the committee on county seats and county lines.

Bill No. 155, "an act to remove the county lines now established between Osage and Shawnee counties three miles north."

Read the second time and referred to the committee on county seats and county lines.

Bill No. 156, "an act to exempt vineyards from taxation."

Read the second time and referred to the committee on agriculture.

Bill No. 158, "an act relating to unorganized counties while they remain attached to an organized county for judicial purposes."

Read the second time and referred to the committee on counties.

Bill No. 3, "an act to regulate the agencies of insurance companies not incorporated by the State of Kansas."

[Read third time.]

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 55. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bowman, Bradley, Broadhead, Campbell 33d district, Campbell 55th district, Clark, Christie, Dennison, Douthitt, Downing, Ellis, Eskridge, Forman, Fullington, Glick, Gordon, Grover, Gwartney, Hanson, Harrison, Hawkins, Hiner, Hollinberg, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lee 17th district, Lee 19th district, Loy, Means, Medill, Miller, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

Voting in the negative Mr. Mitchell.

And so the bill passed.

The title was agreed to.

Bill No. 11, "an act to repeal 'an act relating to suits on foreign judgments,'" was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 56. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 54th dist., Campbell 33d dist., Clark, Christie, Dennison, Douthitt, Downing, Ellis, Eskridge, Fullington, Glick, Grover, Gwartney, Hanson, Harrison, Hawkins, Hiner, Hollinberg, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

And so the bill passed.

Title agreed to.

The House resolved itself in the committee of the whole for the consideration of House Bills Nos. 118, 103, 104, 107 and 109.

Mr. Miller in the chair.

After some time spent therein, the committee arose and through



its chairman reported back Bill No. 109, "an act requiring assessors to furnish certain statistics," and

Bill No. 118, "an act to provide for the election of county attorneys and prescribing their duties," with amendments and recommend their passage.

Also reported Bills No. 103, 104 and 107, and asked leave to sit again.

Report of the committee was agreed to.

Bills No. 109 and 118 were ordered to be engrossed.

Mr. Forman, from the committee on enrolled bills, made the following report :

MR. SPEAKER :—The committee on enrolled bills have examined House Bill No. 1, entitled "an act to provide for cancelling certain bonds," and find the same correctly engrossed.

JOHN W. FORMAN, *Chairman*.

On motion, the House adjourned till Monday morning at 10 o'clock.

MONDAY, February 2, 1863, 10 o'clock A. M.

House called to order

The Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Barrett, Bottom, Campbell 33d district, Ford, Hollinberg, Hollister, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lattin, Medill, Page, Rogers, Russell and Weisback.

Prayer by the chaplain.

Journal of Saturday read and approved.

Mr. Saunders, from committee on engrossed bills, made the following report:

MR. SPEAKER:—The committee have examined House Bill No. 77, "an act to amend 'an act regulating proceedings on writs of habeas corpus.'"

House Bill No. 35, "an act prescribing the duties of county assessors in making lists of the deaf, dumb, blind and idiotic persons in their respective counties, and prescribing the duties of county treasurer and State Auditor relative thereto."

House Bill No. 76, "an act to provide for the custody of the law library of the State of Kansas."

House Bill No. 86, "an act to legalize the collection of taxes in Johnson county."

House Bill No. 92, "an act to change the name of the town and township of Grasshopper Falls, and of the Grasshopper river."

House Bill No. 109, "an act requiring assessors to furnish certain statistics."

House Bill No. 159, "an act to authorize the changing of names."

Joint Resolution No. 4, "memorializing the general government to make the road leading from Fort Leavenworth to Fort Scott a military road, and to make provision for bridging and improving the same," and find them correctly engrossed.

WM. R. SAUNDERS, *Chairman*.

Mr. Griffith, from the committee on banks and currency, made the following report:

MR. SPEAKER:—Your committee have had under consideration

House Bill No. 106, "an act prohibiting the using and circulating of unauthorized currency, commonly known as shinplaster currency," beg leave to report a substitute, herewith submitted, and recommend its passage.

G. W. E. GRIFFITH, *Chairman.*

Mr. Lacock, from the committee on judiciary, made the following reports :

House Bill No. 128, "an act regulating marriages," back without recommendation.

Also, the same gentleman reported a bill as a substitute to Bill No. 129, "an act to define what shall constitute the publication of laws," and recommended its passage.

Also Bill No. 130, "an act to define the manner of applying for pardons," and recommended its passage.

Also, Bill No. 137, "an act to prohibit the carrying of concealed weapons," and recommended its rejection.

Also, Bill No. 142, "an act to amend an act entitled 'an act to create a lien in favor of mechanics and others, and to regulate its jurisdiction,'" and recommend its rejection.

Also, Bill No. 143, "an act to amend the code," and recommend its rejection.

Also, Bill No. 145, "an act to repeal an act entitled 'an act to provide for the redemption of real estate sold under execution,'" and reported back without recommendation.

Also, Bill No. 149, "an act to amend an act entitled 'an act to establish a code of civil procure,'" and recommended its passage.

Also, Bill No. 144, "an act relating to executions returned not satisfied," and recommended its rejection.

Also, Bill No. 151, "an act to amend 'an act providing for the election of township officers,'" and recommend that it be rejected.

Also, House Joint Resolution No. 7, to amend section 25 of article 2 of the constitution of the State of Kansas, and recommend its rejection.

Mr. Medill, from the committee on agriculture, reported Bill No. 156, "an act to exempt vineyards from taxation," and recommended that it do not pass.

Also, Bill No. 157, "an act to encourage the cultivation of cotton, sorghum and grapes," without recommendation.

Mr. Russell, from the committee on ways and means, made the following report :

MR. SPEAKER :—The committee have had under consideration

Bill No. 33, and would report back to the House the accompanying substitute, and recommend its passage.

EDWARD RUSSELL, *Chairman*.

Mr. Mitchell, from the committee on federal relations, made the following report which was adopted :

MR. SPEAKER :—The committee on federal relations, to whom was referred Joint Resolution No. 8, memorializing Congress to make provision for the bridging and improving of the military road from Fort Leavenworth via Fort Riley to Fort Larned, having had the same under consideration, instruct me to report the same back recommending that the resolution be made concurrent, and also recommended their adoption, and further that the joint resolution be not printed.

Mr. Stratton offered the following resolution :

*Resolved*, That the State Treasurer be requested to furnish this House with statement of the amount of taxes apportioned to the several counties for the year A. D. 1861, also the amount non-paid by each, and the amount delinquent, also the same specifications respecting the assessment and collection of taxes for the year 1862.

Mr. Eskridge offered the following as a substitute :

*Resolved*, That the Treasurer be requested to furnish this House, at his earliest convenience, a tabular statement of the counties, showing, among other things, the following facts :

- 1st. The amount of delinquent territorial tax.
- 2d. The amount of delinquent State tax of 1861.
- 3d. The amount of delinquent State tax of 1862.
- 4th. The equalized valuation of 1862, and that he be requested to inform this House what legislation shall be requisite in order to secure the State against county delinquents.

Both resolutions laid over under the rules.

The resolution offered yesterday by Mr. Tucker was taken up, that no member shall speak over ten minutes consecutively on a subject, was

Laid on the table.

Mr. Foster of Douglas, introduced Bill No. 165, an act entitled "an act to abolish the office of county assessor."

Read the first time.

Mr. Glick introduced Bill No. 166, "an act providing for service of process on corporations."

Read the first time.

Mr. Douthitt introduced Bill No. 167, "an act to establish a State road from Topeka via Williamsport and One Hundred and Ten to Burlington."

Read the first time.

Mr. Ide introduced Bill No. 168, "an act supplemental to 'an act to incorporate cities of the State of Kansas,'"

[Read the first time.]

Also, Bill No. 169, "an act to amend the act respecting executors and administrators."

Read the first time.

Also, Bill No. 170, "an act to amend the act organizing the probate courts."

Read the first time.

Mr. Christie introduced Bill No. 171, "an act to locate a certain State road."

[Read the first time.]

Also, Bill No. 172, "an act declaring certain roads in Miami county State roads."

Read the first time.

Mr. Campbell of Allen county, introduced Bill No. 173, "an act to remove the north line of Allen county three miles north."

Read the first time.

Mr. Miller introduced Bill No. 174, "an act to provide for recording marks and brands."

Read the first time.

Mr. Forman introduced Bill No. 175, "an act to amend the exemption law."

Read the first time.

Mr. Mitchell introduced Bill No. 176, "an act to amend the exemption law."

Read the first time.

Mr. Johnsson of Wabaunsee county, introduced House Joint Resolution No. —, authorizing the Governor to appoint an agent to visit the Kansas regiments to obtain certain information, and report.

Read the first time.

Bill No. 160, "an act amendatory to an act entitled 'an act relating to township officers,' approved Feb. 27, 1860," was

Read second time and referred to the committee on judiciary.

Bill No. 161, an act entitled "an act to locate the State University at Tecumseh, Shawnee county, Kansas," was

Read second time and referred to the committee on public institutions.

Bill No. 162, "an act to confer local legislation on county commissioners," was

Read second time and referred to the committee on judiciary.

Bill No. 92, "an act to change the name of Grasshopper Falls, Grasshopper Falls township and the Grasshopper river," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 39. Noes 22.

Those voting in the affirmative were Messrs. Alford, Baker, Bishop, Bottom, Bradley, Brown 54th district, Campbell 38d dist., Campbell 54th dist., Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Glick, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Ide, Johnson 1st district, Johnston 70th district, Lee 17th district, Lee 19th district, Loy, Medill, Miller, Page, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Beeson, Bowman, Broadhead, Christie, Forman, Gordon, Griffith, Irwin, Jackman, Lacock, Means, McCartney, Mitchell, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill and Walker.

And so the bill passed.

The title was agreed to.

Bill No. 76, "an act to provide for the custody of the law library of the State of Kansas," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 59. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Broadhead, Brown 54th district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Forman, Foster 30th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Lacock, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Russell, Saunders, Sayer, Snyder, Steel,

Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

And so the bill passed.

Title agreed to.

Bill No. 77, "an act to amend an act entitled 'an act regulating proceedings on writ of habeas corpus,'" was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 59. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Ide, Irwin, Johnson 1st district, Johnson 70th district, Lacock, Lee 17th district, Loy, Means, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

And so the bill passed.

The title was agreed to.

Bill No. 159, "an act to authorize the change of names," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 60. Noes 2.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Ellis, Forman, Foster 30th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Ide, Irwin, Johnson 1st district, Johnston 70th district, Lacock, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Drake and Eskridge.

And so the bill passed.

The title was agreed to.

Bill No. 35, "an act prescribing the duties of township assessors in making lists of the deaf and dumb, blind and idiotic persons in their respective townships, and prescribing the duties of county treasurer and Auditor of State relative thereto," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 62. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bowman, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Forman, Foster 30th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Lacock, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

And so the bill passed.

The title was agreed to.

House Joint Resolution No. 4, memorializing the general government to make the road from Fort Leavenworth to Fort Scott a military road, and to make provision for bridging and improving the same," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 62. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 54th Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Forman, Foster 30th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Ide, Jackman, Johnson 1st district, Johnston 70th district, Lacock, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

And so the bill passed.

The title was agreed to.



Bill No. 86 "an, act to legalize the collection of taxes in Johnson county," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 59. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Forman, Fullington, Glick, Gordon, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Lacock, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

And so the bill passed.

the title was agreed to.

Bill No. 109, "an act requiring assessors to furnish certain statistics," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 56. Noes 4.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Forman, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Johnson 1st district, Johnston 70th district, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

And so the bill passed.

Title was agreed to.

The House resolved itself into committee of the whole for the consideration of Bills Nos. 103, 104, 111, 113 and 114.

Mr. Russell in the chair.

After some time spent therein, the committee arose and through its chairman reported Bill No. 103, "an act to abolish the office of

the township trustee," and recommend that the enacting clause be stricken out.

Bill No. 104, "an act regulating the appointment of judges of election in the several counties in this State."

Bill No. 111, "an act concerning a dog revenue law."

Bill No. 114, "an act to authorize cities to confer jurisdiction in cases arising under their charters and ordinances, upon district courts and justices' courts," and recommend their rejection.

Also, reported progress on Bills Nos. 113 and 94, and recommended that they be made the special order for February 12, 1863, at 2 P. M.

On motion, the House adjourned.

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#### AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

By consent, Mr. Forman, from the committee on enrolled bills, made the following report:

MR. SPEAKER:—The committee on enrolled bills beg leave to report that Bill No. 1, entitled "an act providing for the cancelling certain bonds," was placed in the hands of the private Secretary of the Governor (in the absence of the Governor from the capital,) on Saturday, 31st Jan. 8163.

JOHN W. FORMAN, *Chairman*.

On motion of Mr. Ide, the House went into the committee of the whole for the consideration of the special order, for this day, Bill No. 42.

Mr. Cobb in the chair.

The Speaker resumed the chair, when a message was received from the Senate.

After some time spent therein, the committee arose and through its chairman reported back Bill No. 42, "an act to fund the territorial debt," with sundry amendments, reported progress, and recommended that it be made the special order for Tuesday, February 10, at 2 o'clock P. M.

Mr. Means moved that a special committee of five be appointed to examine the report of the Auditor relative to the territorial debt and report to the House. Carried.

Chair appointed Messrs. Means, Russell, Lee 19th district, Mitchell and Williams said committee.

Senate Joint Resolution No. 3 was stricken from calendar.

The House then resolved itself into committee of the whole for the consideration of Bills Nos. 115, 56, 82, 72 and 108.

Mr. Campbell 33d district, in the chair.

After some time spent therein, the committee arose, and through its chairman, reported back Bill No. 108, "an act making appropriations for the current legislative expenses for the year 1863."

Bill No. 115, "an act to amend section 1 of 'an act to establish a ferry at Topeka,' approved Jan. 31, 1860."

Bill No. 82, "an act to amend an act to provide for the State printing," approved May, 1861," and recommended their passage.

Bill No. 56, "an act to encourage the killing of wolves," and recommended that the enacting clause be stricken out.

Bill No. 72, "an act for the relief of Henry Brown," reported progress on the same, and asked leave to sit again.

The report of the committee was agreed to.

Bills Nos. 108, 115 and 82 were ordered to be engrossed.

The House resolved itself into the committee of the whole for the consideration of Bills Nos. 22, 105, 119, 120 and 121.

Mr. Bottom in the chair.

After some time spent therein, the committee arose, and through its chairman reported back Bill No. 121, "an act concerning the liabilities of hotel keepers," and recommended its passage.

Bill No. 22, "an act to provide for the introduction of the bible into common schools," and recommended that the enacting clause be stricken out.

Reported progress on Bills Nos. 105, 119 and 120, and asked leave to sit again.

Bill No. 121 was ordered to be engrossed.

On motion, adjourned.

TUESDAY, February 3, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Brown 22d district, Ide, Kinner; Lattin, Page, Russell and Vaughn.

Prayer by the Rev. Mr. Alward.

Journal of yesterday read and approved.

Mr. Glick presented petition of John Hunt and 12 others, and one from H. C. Purcell and others, both praying for a State road.

Referred to the committee on roads and highways.

Mr. Craft presented a petition of C. H. Kennedy and 22 others, praying for the enactment of a law to define more particularly a legal fence.

Mr. Drake presented a petition of Wiley Anderson and 40 others, praying the Legislature to provide an election for the county seat of Bourbon county.

Referred to the committee on county seats and county lines.

Mr. Weisback also presented a petition relative to the location of a State road from Seneca to Nebraska line.

Referred to the committee on roads and highways.

Mr. ——— presented a petition of A. N. Hubbard and others, praying that the owners of stock may fence in or herd the same.

Referred to the committee on agriculture.

Mr. Saunders, from the committee on engrossed bills, made the following report:

MR. SPEAKER:—The committee [on engrossed bills] have examined House Bill No. 80, "an act to create and regulate fire, marine and merchants' mutual insurance companies."

House Bill No. 118, "an act to provide for the election of county attorneys and prescribing their duties," and found them correctly engrossed.

W. R. SAUNDERS, *Chairman*.

Mr. Eskridge, from the committee on county seats and county

lines, reported that the committee have had under consideration Bill No. 32, "an act to provide for the permanent location of the county seat of Salina county," and instruct me to report the same back to the House and recommend its passage.

MR. SPEAKER :—Your committee have had under consideration House Bill No. 158, entitled "an act relating to unorganized counties while they remain attached to an organized county for judicial purposes," and instruct me to report the same to the House and recommend its passage.

T. CHRISTIE, *Chairman.*

Mr. Emery, from the judiciary committee, reported that they have had under consideration House Bill No. 162, entitled "an act to confer local legislation on county commissioners," and have instructed me to report the same back to the House and recommend its passage.

Also House Bill No. 160, entitled "an act amendatory to an act entitled 'an act relating to townships and township officers,' approved February 27th, 1860," and have instructed me to report the same back to the House and recommend its passage.

Also House Joint Resolution No. 5, entitled a joint resolution to amend section 25, article 2 of the constitution, and have instructed me to report the same back to the House and recommend its rejection.

Mr. Dennison, from a special committee relative to Bill No. 185, "an act to change the road from Fort Leavenworth to Fort Scott," reported the bill back without recommendation.

A minority report from the committee, Messrs. Ellis and Drake, recommended its passage.

On motion of Mr. Ide, the bill was ordered to be printed.

The following communication was received from W. W. Guthrie, Attorney General :

TOPEKA, KANSAS, OFFICE OF ATTORNEY GENERAL, }  
February 28, 1863.

*Mr. Speaker and Gentlemen of the House of Representatives :*

The resolution of your honorable body of January 31st, asking for my opinion as to the right of the State to tax the so called "rail-road lands" of Leavenworth and Jefferson counties, is laid before me.

I have examined the several treaty provisions in relation thereto, and am of opinion that those "lands" are not subject to taxation.

By the act of admission, the State is prohibited from taxing the lands of the United States. The title of those lands, so far as I am able to ascertain, is now in the United States. I think as the law now is—sec. 3, chap. 198, stats. 1862—that the improvements upon those lands, which may be moved, are legally subject to taxation, the same as improvements upon any other land.

Respectfully,

W. W. GUTHRIE,  
Attorney General.

The following message was received from the Senate :

MR. SPEAKER:—I am directed to notify the House that the Senate has passed Senate Concurrent Resolution No. 8, in reference to a conference of judiciary committees of both Houses in relation to estates of deceased persons, and desire your concurrence therein.

Also, I am directed to notify the House that the Senate have passed House Joint Resolution No. 6, accepting the provisions of an act of Congress entitled "an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2d, 1862, and

Also that the Senate have passed Bill No. 21, "an act concerning State road from Topeka to Council Grove."

Also Bill No. 15, "an act to repeal an act entitled 'an act relating to the sales of real property.'"

Also Bill No. 67, "an act appropriating township money of Wea township, Miami county, for school purposes."

JOHN G. OTIS, *Assistant Secretary.*

Senate Concurrent Resolution No. 8 was taken up and the House concurred therein.

Mr. Ellis offered a resolution giving the use of this church to the ladies of the Methodist Church to-morrow evening.

Messrs. Russell and Ide gave notice that they wished to debate the resolution. So,

On motion of Mr. Douthitt, the rules were suspended in order to take action at once.

Mr. Russell moved to lay the resolution on the table.

The ayes and noes were called with the following result : Ayes 14. Noes 55.

Those voting in the affirmative were Messrs. Bradley, Brown 54th

district, Campbell 55th district, Clark, Eskridge, Ford, Foreman, Grover, Gwartney, Ide, Jackman, Kinner, Rogers and Russell.

Those voting in the negative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Broadhead, Campbell 33d district, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Foster 30th district, Foster 40th district, Fullington, Gordon, Griffith, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Irwin, Johnston 1st district, Johnson 70th district, Jones, Lacoock, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Saunders, Sayer, Snyder, Stratton, Steel, Tucker, Underhill, Ward, Weisback and Williams.

So the motion to lay on the table did not pass.

The question being on the motion to adopt, the resolution was adopted.

Mr. Baker offered the following resolution :

*Resolved*, That hereafter the morning session shall commence at 9 A. M.

Laid on the table.

Mr. Lacoock offered the following resolution :

*Resolved*, That the Attorney General be requested to furnish, on or before next Tuesday, his opinion in writing upon the constitutionality of the act funding the territorial debt if the same is not submitted to a direct vote of the people.

Laid over under the rules.

Mr. Russell introduced House Concurrent Resolution No. 13, memorialising Congress concerning the direct tax, which was

Laid over under the rules.

The following resolution and substitute, offered on a previous day, were taken up :

*Resolved*, That the Treasurer and Auditor be requested to furnish this House, at their earliest convenience, a tabular statement of the counties, showing, among other things, the following facts :

- 1st. The amount of delinquent territorial tax.
- 2d. The amount of delinquent State tax of 1861.
- 3d. The amount of delinquent State tax of 1862.
- 4th. The equalized valuation of 1862.

And that he be requested to inform this House what legislation shall be requisite in order to secure the State against county delinquencies.

Mr. Eskridge moved to amend the substitute by inserting Auditor. Carried.

Mr. Eskridge moved to adopt the substitute. Carried.

Mr. Foster, of Leavenworth, introduced Bill No. 177, "an act to amend the justice act."

Read the first time.

Also, Bill No. 178, "an act to prevent and punish trespass."

Read the first time.

Mr. Gordon introduced Bill No. 179, "an act to detach the counties of Salina and Ottawa from the county of Davis, and to attach Ottawa to Salina, &c."

Mr. Lee, of Jefferson county, Bill No. 180, "an act to establish a ferry across the Kaw."

Mr. Ellis, Bill No. 181, "an act for county treasurers to receive territorial scrip for State taxes."

Mr. Means, Bill No. 182, "an act to declare the township line between 23 and 24 the county line between Anderson and Allen counties."

Mr. McCartney introduced Bill No. 183, entitled "an act to tax the improvements of those who take the benefit of the homestead law."

Mr. Russell introduced the following bills, all of which were read the first time :

House Bill No. 184, "an act to require certain counties to collect and pay over delinquent territorial taxes."

House Bill No. 185, "an act to amend 'an act to establish the salaries of State officers, justices of the supreme court, judges of district courts, and officers of the Legislature.'"

House Bill No. 186, "an act to authorize the Secretary of State to make a certain contract."

House Bill No. 187, "an act to amend 'an act to define the powers and duties of certain State officers.'"

House Bill No. 176, "an act to amend an act entitled 'an act for the regulation and support of common schools.'"

Read the second time and referred to the committee on education.

House Bill No. 165, "an act entitled 'an act to abolish the office of county assessor.'"



Read second time and referred to the committee on judiciary.

House Bill No. 166, "an act providing for service of process on corporations."

Read second time and referred to the committee on judiciary.

House Bill No. 167, "an act to establish a State road from the city of Topeka, via Williamsport and One Hundred and Ten, to Burlington, in Coffey county."

Read second time and referred to the committee on roads and highways.

The following bills were read the second time :

Bill No. 168, "an act supplemental to 'an act to incorporate cities of the State of Kansas.'"

Read second time and referred to the committee on corporations other than banks.

Bill No. 169, "an act to amend an act entitled 'an act respecting executors and administrators, of their appointment and removal from office.'"

Read second time and referred to the committee on judiciary.

Bill No. 170, "an act to amend an act entitled 'an act to establish and define the jurisdiction of the probate court.'"

Read the second time and referred to the committee on judiciary.

Bill No. 171, "an act to declare certain State roads."

Read second time and referred to the committee on roads and highways.

Bill No. 172, "an act declaring certain roads in Miami county State roads."

Read second time and referred to the committee on roads and highways.

Bill No. 173, "an act entitled 'an act to remove the county line of Allen county three miles north.'"

Read second time and referred to committee on county lines and county seats.

Bill No. 174, "an act to provide for recording marks and brands."

Read the second time and referred to the committee on agriculture.

Bill No. 175, "an act to amend an act entitled 'an act exempting certain property from sale on execution or other process.'"

Read second time and referred to the committee on judiciary.

House Bill No. 30, "an act to create and regulate fire, marine and merchants' mutual insurance companies."

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 66. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 54th district, Campbell 38d district, Clark, Christie, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foreman, Foster 30th dist., Foster 40th dist., Fullington, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

Voting in the negative Mr. Barrett.

So the bill passed.

The title was agreed to.

House Bill No. 118, "an act to provide for the election of county attorneys and prescribing their duties," (substitute for Bills Nos. 78 and 80) was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 24. Noes 45.

Those voting in the affirmative were Messrs. Alford, Baker, Bottom, Bowman, Campbell 33d district, Clark, Emery, Forman, Foster 30th district, Foster 40th district, Glick, Hanson, Hiner, Irwin, Johnson 1st district, Jones, Lacock, Lee 19th district, Rogers, Russell, Snyder, Walker, Ward and Weisback.

Those voting in the negative were Messrs. Beeson, Barrett, Bishop, Bradley, Broadhead, Brown 54th district, Campbell 55th district, Christie, Cobb, Conrey, Craft, Dennison, Downing, Drake, Ellis, Eskridge, Ford, Fullington, Gordon, Griffith, Grover, Gwartney, Harrison, Hawkins, Hidden, Hollinberg, Ide, Jackman, Johnston 70th district, Kinner, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Sayer, Steel, Stratton, Tucker, Underhill and Williams.

So the bill did not pass.

The Governor's private secretary appeared at the bar, and presented a communication from the Governor.

On motion of Mr. Russell, the House resolved itself into committee of the whole for the consideration of Bills Nos. 105, 119 and 120.

Mr. Johnson in the chair.

After some time spent therein, the committee of the whole arose, and reported progress on Bills Nos. 105, 119 and 120, and asked leave to sit again this afternoon.

The report of the committee was agreed to.

On motion, the House adjourned.

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#### AFTERNOON SESSION.

Two o'clock P. M.

House called to order.

Speaker in the chair.

Mr. Forman, from the committee on enrolled bills, made the following report:

MR. SPEAKER:—The committee on enrolled bills beg leave to report that they have examined the following bills and have found the same correctly enrolled, to wit:

House Bill No. 15, entitled "an act to repeal an act entitled 'an act relating to sales of real property.'"

Bill No. 21, "an act concerning the State road from Topeka to Council Grove."

Bill No. 67, "an act appropriating township money of Wea township, Miami county, for school purposes."

Also Joint Resolution No. 6, accepting the provisions of an act of Congress entitled "an act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862.

JOHN W. FORMAN, *Chairman*.

Mr. Lee, from the committee on accounts, made the following report:

MR. SPEAKER:—Your committee, to whom was referred the accompanying bill, instruct me to report the same back to the House,

recommending that \$125 be allowed, and that it be referred to the committee of ways and means for the necessary appropriation.

G. M. LEE, *Chairman*.

House resolved itself into committee of the whole for the further consideration of Bills Nos. 105, 119, 120 and 107.

Mr. Johnson in the chair.

The Speaker resumed his seat.

After some time spent therein, the committee of the whole arose, reported back Bill No. 105, with the enacting clause stricken out.

Also Bill No. 119, with the recommendation that it be referred to a special committee of five.

Also Bill No. 120, and recommend its passage.

Also Bill No. 107, and recommend it be placed on the calendar.

The report of the committee of the whole was agreed to.

By consent, Mr. Jones introduced Bill No. 188, "an act concerning a State road from Grasshopper Falls to Rising Sun."

Read the first time.

Mr. Mitchell introduced Bill No. 189, "an act to provide for a geological survey of the State."

Read the first time.

Bills reported favorably by committee of the whole were ordered to be engrossed.

The Chair appointed as special committee on Bill No. 119, Messrs. Grover, Sayer, Hiner, Downing and Bishop.

On motion, the House adjourned.

WEDNESDAY, February 4, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Drake and Griffith.

Prayer by the Rev. Mr. Paulson.

Journal of yesterday read and approved.

The following messages were received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 2, 1863. }

*To the House of Representatives :*

I have this day approved Bill No. 1, entitled "an act to provide for cancelling certain State bonds."

Respectfully,

THOMAS CARNEY.

EXECUTIVE OFFICE, }  
Topeka, February 3, 1863. }

*To the House of Representatives :*

I have this approved Bill No. 15, "an act to repeal an act entitled 'an act relating to sales of real property.'"

Also, Bill No. 41, "an act concerning the State road from Topeka to Council Grove."

Also, Bill No. 67, "an act appropriating township money of Wea township, Miami county, for school purposes,"

Also, Joint Resolution No. 6, accepting the propositions of Congress for the donation of public lands for the benefit of agriculture and the mechanic arts.

Respectfully,

THOMAS CARNEY.

Mr. Craft presented the petition of P. M. Hodges and others, praying to have a portion of Brown county attached to Jackson county.

Referred to the committee on counties.

Also, a petition from H. Allen and others, praying that a portion of Nemaha county, and Brown county be attached to Jackson county.

Referred to the committee on counties.

Mr. Douthitt presented a petition of A. C. Davidson and 25 others, asking for a repeal of the hog law, so far as it relates to Soldier township, Shawnee county.

Also, a petition of L. S. Bowman and 16 others, asking for a repeal of the hog law, so far as it relates to Soldier township, Shawnee county.

Also, A petition of D. A. Curtis and 22 others, asking for a repeal of the hog law, so far as it relates to Soldier township, Shawnee county.

All referred to a special committee.

Mr. Sayer presented a petition praying for a State road from Wyandott to Fort Scott.

Referred to a special committee, consisting of Sayer, Cobb, Ellis, Campbell of Johnson, and Bottom.

Mr. Ward presented a petition of S. Trovington and 20 others.

Referred to special committee on hog law.

Mr. Saunders, from the committee on engrossed bills, reported that they have examined House Bill No. 82, "an act to amend an act entitled 'an act to provide for the State printing,' passed May, 1861,"

House Bill No. 108, "an act making appropriations for the current legislative expenses for the year 1863."

House Bill No. 115, "an act to amend section 1 of an act entitled 'an act to establish a ferry at the city of Topeka,' approved January 31, 1860," and

Bill No. 121, "an act concerning the liabilities of hotel keepers," and found them correctly engrossed.

Mr. Clark, from committee to whom had been referred Concurrent Resolution No. 3, have had the same under consideration, and beg leave to make the following report :

That whereas, Colonels Cloud, Lee, Ewing, Deitzler, Martin and Judson having by their gallant conduct on the field of battle, recommended themselves, require no recommendation at our hands. Furthermore, your committee would say that they are unacquainted with Col. John Smith, but from the eulogy pronounced on him, suppose him to be a Virginian, most likely belonging to one of the first Virginia families, and probably a relative of Extra Billy Smith, and if so no doubt a secessionist.

They would, therefore, decline recommending his appointment, without further information, and would respectfully recommend that Concurrent Resolution No. 3 be rejected.

Mr. Clark, from the committee on militia, to whom was referred House Concurrent Resolution No. 4; have had the same under consideration, and would respectfully refer it back to the House and recommend its rejection.

Mr. Emery, from committee on judiciary, would report that they have had under consideration petition of C. H. Kennedy and 22 others, praying for the enactment of a law to more particularly define a legal fence, and have instructed me to report it back to the House and recommended that it be referred to the committee on agriculture.

Also, under consideration Bill No. 171, entitled "an act to amend 'an act entitled 'an act exempting certain property from sale on execution or other process,'" and recommend its passage.

Also, under consideration Bill No. 166, entitled "an act providing for service of process on corporations," and recommend its passage.

Also, under consideration Bill No. 169, entitled "an act to amend 'an act entitled 'an act respecting executors and administrators, of their appointment and removal from office,'" recommend its rejection.

Mr. Rogers, from the committee on education, made the following report:

MR. SPEAKER:—The committee had under consideration Bill No. 163, "an act to amend an act entitled 'an act for the regulation and support of common schools,'" and recommend its passage with amendments.

In the first sentence strike out "the 1st day of February," and insert the "10th day of February."

Mr. Snyder, from the committee on fees and salaries, report:

That the committee has had under consideration Bill No. —, entitled "an act to amend an act entitled 'an act to provide for the assessment and collection of taxes,' approved Feb. 27, 1860," and also an act, approved March 6, 1862, entitled "an act to amend 'an act to provide for the assessment and collection of taxes,' approved Feb. 27, 1860," and recommend its passage.

Also, the committee on fees and salaries have had under consideration Bill No. 46, "an act to amend an act entitled 'an act fixing the fees of the clerk of the supreme court, district attorney, county officers, justices of the peace, constables, witnesses, jurors, referees, appraisers and notaries public.'"

Also, Bill No. 98, "an act to amend 'an act fixing the salaries of the clerk of the supreme court, district attorney, county officers,' " and recommend it passage with the accompanying substitute.

Mr. Lee, from the committee on accounts, made the following report :

That the committee have had under consideration House Bill No. 123, "an act amendatory to an act entitled 'an act to regulate elections, and prescribe the qualifications of voters, and to prevent illegal voting,' " and recommend its rejection.

Mr. Medill, of the committee on agriculture, reported Bill No. 174, "a bill to provide for the recording of brands and marks on cattle," and recommended its passage.

Mr. Mitchell, from the committee on federal relations, to whom had been referred certain resolutions of the Maryland Legislature, deprecating the agitation of the slavery question, reported a resolution relative thereto, and recommended its adoption.

Mr. Mitchell, from the committee on federal relations, to whom was referred the subject of losses sustained by citizens of Kansas in 1855, 1856, and 1857, also reported the following preamble and resolution relative thereto, and recommended their adoption :

[Preamble and resolution not furnished.—PRINTER.]

Mr. Forman, from the committee on enrolled bills, reported that the committee, on the 3d inst., placed in the hands of the Governor Bills Nos. 15, 21 and 67, and Joint Resolution No. 6, for approval.

The following message was received from the Senate :

MR. SPEAKER—I am directed to notify the House that the Senate has passed Bill No. 45, "an act declaring the Marias des Cygnes river unfit for navigation," with a change in the orthography of the title, and

Bill No. 4, to "amend an act to provide revenue for the year 1862," with sundry amendments, in which your concurrence is desired.

JOHN FRANCIS, *Secretary.*

The House concurred in Senate amendments to Bill No. 45.

Mr. Griffith moved to postpone the consideration of Senate communication until the regular order on to-morrow. Carried.

Mr. Miller offered the following resolution, which was laid over under the rules :



*Resolved*, That all motions to concur in Senate amendments shall hereafter be decided by a vote of the House, the yeas and nays being called as upon the final passage of bills.

Mr. Stratton offered the following resolution :

*Resolved*, That the State Auditor be requested to furnish this House with a statement of the amount of taxes apportioned to each of the several counties for the year 1861, and also the amount paid by each, and the amount delinquent for the same, also the same specifications for 1862, which was adopted.

Mr. Gordon offered the following resolution :

*Resolved*, That the committee on judiciary be instructed to inquire whether unorganized counties can be made subject to taxation for State purposes, and for judicial expenses, by counties to which they may be attached for judicial purposes, and report by bill or otherwise, which was adopted.

The following resolution offered on previous day, was laid on the table :

*Resolved*, That the attorney general be requested to furnish this House, on or before next Tuesday, his opinion in writing, upon the constitutionality of the act to fund the legislative debt, if the same be not submitted to a vote of the people.

The following bills were introduced and read the first time :

Mr. Saunders introduced Bill No. 190, "an act to amend the act for electing district attorneys and prescribing their duties."

Mr. Grover introduced Bill No. 191, "an act to amend the code."

Mr. Douthitt introduced Bill No. 192, "an act to consolidate the offices of the clerk of the district court, register of deeds and county clerk."

House Joint Resolution No. 9, to appoint an agent to visit our soldiers.

Read the second time and referred to the committee on ways and means.

The following bills were read the second time and referred to their proper committees :

Bill No. 177, "an act amendatory to an act entitled 'an act regulating the jurisdiction and procedure before justices of the peace and of the duties of constables in civil cases.'"

Read the second time and referred to the committee on judiciary.

Bill No. 178, "an act to prevent and punish trespass."

Read the second time and referred to the committee on judiciary,

Bill No. 179, "an act to detach the counties of Saline and Ottawa, from the county of Davis, to attach the county of Ottawa, to the county of Saline, to establish a district court in Saline county, and providing for transcribing the records of the district court of Davis county pertaining to the counties of Saline and Ottawa."

Read second time and referred to the committee on judiciary.

Bill No. 180, "an act to establish a ferry across the Kansas river."

Read the second time and referred to the committee on corporations.

Bill No. 181, "an act for county treasurers to receive territorial warrants for taxes."

Read the second time and referred to the committee on ways and means.

Bill No. 182, "an act to declare the township line between townships 23 and 24 the county line between Allen and Anderson counties."

Read the second time and referred to the committee on county seats and county lines.

Bill No. 183, "an act to tax the improvements of those who take the benefit of the homestead law.

Read the second time and referred to the committee on ways and means.

Bill No. 184, "an act to require certain counties to collect and pay over delinquent territorial taxes."

Read the second time and referred to the committee on ways and means.

Bill No. 185, "an act to amend 'an act to establish the salaries of State officers, justices of the supreme court, judges of the district court, and officers of the Legislature.'"

Read a second time and referred to committee on judiciary.

Bill No. 186, "an act to authorize the Secretary of State to make a certain contract."

Read the second time and referred to the committee of the whole.

Bill No. 187, "an act to amend 'an act defining the powers and duties of certain State officers.'"

Read second time and referred to committee on judiciary.

Bill No. 188, "an act concerning the State road from Rising Sun to Grasshopper Falls."

Read second time and referred to the committee on roads and highways.

Bill No. 189, "an act to provide for the geological survey of the State of Kansas."

Read the second time and referred to the committee on agriculture.

Mr. Jones presented petition of Mr. John Bayer and others.

Referred to the committee on road and highways.

Bill No. 115, "an act to amend section 1 of an act entitled 'an act to establish a ferry at the city of Topeka,' approved January 31, 1860," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 54. Noes 2.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Drake, Ellis, Ford, Forman, Foster 30th district, Fullington, Griffith, Grover, Gwartney, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Johnson, Jones, Kinner, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Russell, Rogers, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Gordon and Miller

And so the bill passed.

The title was agreed to.

House Bill No. 82, "an act to amend 'an act to provide for State printing,'" was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 61. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Forman, Foster 30th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Harrison, Hawkins, Hiner, Hollinberg, Hollister, Ide, Johnson 1st district, Jones,

Kinner, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

And so the bill passed.

The title was agreed to.

House Bill No. 108, "an act making appropriations for the current legislative expenses for the year 1883," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 61. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Forman, Foster 30th district, Fullington, Gordon, Griffith, Grover, Gwartney, Harrison, Hawkins, Hiner, Hollinberg, Hollister, Ide, Irwin, Johnson 1st district, Jones, Kinner, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

Voting in the negative Mr. Glick.

And so the bill passed.

The title was agreed to.

Bill No. 121, "an act concerning the liabilities of hotel keepers," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 59. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Forman, Foster 30th district, Fullington, Glick, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Ide, Jackman, Johnson 1st district, Jones, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

Voting in the negative Mr. Gordon.

And so the bill passed.

The title was agreed to.

House Bill No. 120, "an act amendatory to an act entitled 'an act to incorporate the city of Iowa Point,' approved February 14, 1857," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 64. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Conrey, Craft, Dennison, Downing, Drake, Ford, Forman, Foster 30th district, Fullington, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

And so the bill passed.

The title was agreed to.

The House resolved itself into the committee of the whole for the consideration of Bills Nos. 72, 20, 28, 39 and 53.

Mr. Cobb in the chair.

After some time spent therein, the committee arose and made the following report:

Bill No. 72, "an act for the relief of Henry Brown," reported back to the House with the recommendation that it pass.

Bill No. 20, "an act in relation to the right of redemption of real estate sold under execution, order of sale, or other final process," reported back and recommended that it be indefinitely postponed.

Bill No. 28, "an act to prevent and punish fraudulent voting." The bill was reported back and its rejection recommended.

Bill No. 39, "an act to amend 'an act relating to the organization of justices' court, and their powers and duties.'" The bill was reported back and its rejection recommended.

Bill No. 53, "an act to amend 'an act concerning descents and distributions,'" was reported back to the House and its rejection recommended.

The report of the committee was agreed to, except as relates to Bill No. 72, and recommended it to be referred to the committee on ways and means.

And was so referred.

The committee then arose and again went into committee of the whole on Bills Nos. 64, 133, 134, 54 and 55.

Mr. Hidden in the chair.

Bill No. 64, "an act to authorize James Williams and Benjamin Abney to keep a ferry on the Marias des Cygnes," enacting clause struck out.

Bill No. 54, "an act concerning taxes in Douglas county," recommending its passage.

Bill No. 55, "an act concerning taxes in Douglas county;" bill was sent back on to the calendar.

Bill No. 133, "an act to declare the road leading from Seneca, Nemaha county, to the point where the present military road crosses the north line of the State of Kansas, into the territory of Nebraska, a State road," referred back to the House with the recommendation that it pass.

Bill No. 134, "an act to incorporate the city of Marysville," was referred back to the House and its passage recommended.

Mr. Miller, from the committee on public instruction, made the following report :

MR. SPEAKER :—Your committee on public instruction have had under consideration House Bill No. 161, "an act to locate the State University at Tecumseh, Shawnee county, Kansas," and report the same back to the House without recommendation.

C. S. MILLER, *Chairman*.

Mr. Russell offered the following resolution, which was adopted :

*Resolved*, That the attorney general be requested to furnish this House his opinion in writing, whether the House, in concurring in Senate amendments to any bill, should take a vote on the concurrence in the same manner as the constitution provides on the passage of a bill.

Mr. Miller moved that the House adjourn.

Mr. Emery moved to amend that the House adjourn until to-morrow at 10 o'clock.

The amendment was lost.

The question recurring on the motion to adjourn, prevailed.

So the House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

The House resolved itself into committee of the whole on Bills Nos. 146, 129, 130, 149 and 156.

Mr. Page in the chair.

The Speaker resumed his seat, when a message was received from the Senate.

After some time spent in consideration, the committee arose and reported Bill No. 129, "an act to define what shall constitute the publication of laws," reported back to the House and its passage recommended.

Bill No. 130, "an act to prescribe the manner of applying for pardons." The bill was reported back with a recommendation that it pass.

Bill No. 149, "an act to amend an act entitled 'an act to establish a code of civil procedure,'" referred back to the House with a recommendation that it pass.

Bill No. 156, "an act to exempt vineyards from taxation," the enacting clause was stricken out.

The committee arose.

The report of the committee agreed to.

Mr. Drake, from the committee on roads and highways, reported having under consideration House Bill No. 125, "an act to locate and survey the old Santa Fe road," instruct me to report the same back without recommendation.

Also, House Bill No. 188, "an act concerning a State road from Rising Sun to Grasshopper Falls," instruct me to report the same back without recommendation.

Also, House Bill No. 172, "an act declaring certain roads in Miami county State roads," and report the same back to the House and recommend its passage.

On motion, the House adjourned.

THURSDAY, February 5, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Christie, Conrey, Emery, Grover, Hanson, Ide, Lacock and Vaughn.

Prayer by the Rev. Mr. Preston.

Journal of yesterday read and approved.

Mr. Saunders, from the committee on engrossed bills, made the following report :

MR. SPEAKER :—The committee on engrossed bills have examined House Bill No. 133, "an act to declare the road leading from Seneca, Nemaha county, to a point where the present military road crosses the north line of the State of Kansas in the Territory of Nebraska a State road," and

Bill No. 134, "an act to amend an act entitled 'an act to incorporate the city of Marysville,'" and found them correctly engrossed.

WM. R. SAUNDERS, *Chairman*.

Mr. Medill, from the committee on agriculture, made the following report :

MR. SPEAKER :—Your committee have had under consideration the petition of S. Bowman and 16 others, and the petition of S. H. Hauser and 103 others, asking for the repeal of the hog law, and instruct me to report the same back to the House and recommend that they be referred to the special committee that Bill No. 119 was referred to.

JAMES S. MEDILL, *Chairman*.

Mr. Forman, from the committee on enrolled bills, made the following report :

MR. SPEAKER :—The committee [on enrolled bills] have examined House Bill No. 45, entitled "an act declaring the Marias des Cygnes river unfit for navigation," and find the same correctly enrolled.

JOHN W. FORMAN, *Chairman*.

The following communication was received from the Auditor :



AUDITOR'S OFFICE, TOPEKA, KANSAS, }  
February 4th, 1863.

*To the House of Representatives :*

GENTLEMEN:—In compliance with "an act entitled 'an act to provide for cancelling certain State bonds,' approved February 3d, 1863," I have the honor to submit the following report :

1st. Eighteen 10 per cent. war bonds, with coupons attached, for \$500 each, duly cancelled, were deposited with me on the 3d day of February, 1863, and by me so indorsed ; which bonds bear the number, amount and date of cancellation and deposit, as follows, to wit : The numbers was 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 73, 74, 75, 76, 77, 78, 79 and 80, the amount of each bond being \$500, and each one cancelled on February 3d, 1863.

ASA HAIRGROVE,  
Auditor of State.

The following message were received from the Senate, announcing the passage of Bill No. 57, "an act to extend the time for transcribing the records of the Pawnee land district recorder's office," and

Bill No. 73, "an act concerning evidence," without amendment.

Also, Bill No. 4, which provides that the State Treasurer may receive from county treasurers legal tender notes in payment of taxes instead of gold, with amendments.

On motion of Mr. Glick, the amendments were concurred in.

Upon which the ayes and noes were demand and taken with the following result : Ayes 66. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bishop, Bottom, Bowman, Bradley, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Gordon, Griffith, Grover, Gwartney, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th dist., Kinner, Lattin, Lee 17th dist., Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

Voting in the negative Mr. Broadhead.

And so the Senate amendments were concurred in.

Mr. Jackman offered a resolution, which was adopted, that the use of the House be granted to H. H. Johnson, for the purpose of giving a narration of the recent campaign of the "Army of the Frontier."

Mr. Ide offered the following resolution, which was adopted :

*Resolved*, That the Attorney General be requested to furnish this House with his opinion on the following points :

1st. What title has the State to the 500,000 acres granted by act of September 4th, 1841 ?

2d. Can these lands be used by the State for purposes of internal improvement, or are they directed to the support of common schools by our constitution ?

Mr. McCartney offered the following resolution, which was laid on the table :

*Resolved*, That the House of Representatives hold night sessions, and adjourn *sine die* on the 20th day of February, A. D. 1863.

The resolution offered yesterday, for the Attorney General to furnish his opinion upon the constitutionality of the act to fund the territorial debt if the same is not submitted to a vote of the people, was called up, and

On motion of Mr. Glick, the resolution was indefinitely postponed:

House Concurrent Resolution was taken up.

Mr. Griffith moved that the resolution be referred to committee on federal relations. Carried.

House Concurrent Resolution No. 14 was taken up.

Mr. Grover moved to amend by inserting "61 and 62" after "57," and by striking out "Governor" and inserting "Secretary of State."

Mr. Russell asked for a division of the question.

The vote being taken on the motion to insert "61 and 62," it was lost.

The motion to strike out the word "Governor" and insert the words "Secretary of State," prevailed.

The resolution as amended was adopted.

House Concurrent Resolution No. 15 was taken up and adopted.

Mr. Page offered the following additional resolution to House Concurrent Resolution No. 15 :

*Resolved*, That the Secretary of State be requested to forward a certified copy of these resolutions to the Governor of Maryland, and request him to present them to the General Assembly of that State.

The resolution was adopted.

The following bills were introduced and read the first time :

By Mr. Gordon, Bill No. 195, "an act relating to a change in the terms of the courts in the third and fifth judicial districts."

By Mr. Sayer, Bill No. 196, "an act relating to the re-location of a portion of the territorial road from Leavenworth to Fort Scott."

By Mr. Clark, Bill No. 197, "an act to authorize the leasing of school lands and to prevent waste thereon."

By Mr. McCartney, Bill No. 198, "an act to locate a State road from Leroy to Eureka, in Greenwood county."

By Mr. Barrett, Bill No. 199, "an act to establish a State road from Osawkee to Topeka."

By Mr. Ellis, Bill No. 200, "an act vacating a part of Wilson street, in Spring Hill, Johnson county."

Mr. Ellis also presented a petition for the same object.

Mr. Russell introduced Bill No. 201, "an act to amend the act fixing the fees of the clerk of the supreme court, district attorneys, county officers, justices of the peace, &c., &c."

Also, Bill No. 202, "an act to provide for the publication of general laws in newspapers."

Also, Bill No. 203, "an act defining the time for holding the election for member of Congress."

Mr. Clark introduced Bill No. 204, "an act to amend the code of criminal procedure."

The following bills were read a second time and referred as follows :

Bill No. 190, "an act to amend section 7 of 'an act providing for the election of district attorneys and defining their duties,' approved June 4th, 1861."

Read second time and referred to the committee on judiciary.

Bill No. 191, "an act supplemental to an act entitled 'an act to establish a code of civil procedure.'"

Read second time and referred to the committee on judiciary.

Bill No. 192, "an act to consolidate the offices of clerk of the district court, register of deeds and county clerk."

Read second time and referred to the committee on judiciary.

Bill No. 5, "an act concerning taxes in Douglas county," was  
Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 63. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bowman, Bradley, Broadhead, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Ford, Forman, Foster 40th district, Fullington, Glick, Gordon, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

And so the bill passed.

Title agreed to.

Bill No. 133, "an act to declare the road leading from Seneca, Nemaha county, to a point where the present military road crosses the north line of the State of Kansas, in the Territory of Nebraska, a State road," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 60. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Ford, Forman, Foster 30th district, Fullington, Glick, Gordon, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollister, Johnson 1st district, Johnston 70th district, Jones, Lattin, Lee 17th district, Lee 19th district, Loy, Means, Medill, Miller, Mitchell, Page, Russell, Saunders, Sayer, Snyder, Steel, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

And so the bill passed.

Title was agreed to.

Mr. Saunders, from the committee on engrossed bills, reported the following bills correctly engrossed:

Bill No. 146, "an act to establish a State road from Lawrence to Hiawatha."

Bill No. 129, "an act to define what shall constitute the publication of laws."

Bill No. 134, entitled "an act to amend an act entitled 'an act to incorporate the city of Marysville,'" was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 63. Noes 2.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bowman, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Russell, Saunders, Sayer, Snyder, Stratton, Steel, Underhill, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Rogers and Vaughn.

And so the bill passed.

The title was agreed to.

Bill No. 146, "an act to establish a State road from Lawrence to Hiawatha," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 67. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foreman, Foster 40th district, Fullington, Glick, Gordon, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollenberg, Hollister, Ide, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Underhill, Vaughn, Walker, Ward and Williams.

So the bill passed.

The title was agreed to.

Bill No. 129, "an act to define what shall constitute the publication of laws," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 66. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Gwartney, Hanson, Harrision, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Jackman, Johnston 70th district, Jones, Kinner, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker and Williams.

And so the bill passed.

The title was agreed to.

Mr. Lattin, from the committee on corporations, reported Bill No. 180, "an act to establish a ferry across the Kansas river," and recommended its passage.

Mr. Lattin, from the committee on corporations, reported Bill No. 168, "an act supplementary to 'an act to incorporate cities,'" and recommended its rejection.

Mr. Russell, from the committee on ways and means, reported Bill No. 183, "an act to tax the improvements of those who take the benefit of the homestead law," and recommended its reference to the committee on judiciary.

Also, House Joint Resolution No. 9, which provides for the appointment of an agent to visit the Kansas regiments, and recommended its rejection, for the reason that there is a bill before the House for the same object.

Also, Bill No. 181, "an act for county treasurers to receive territorial warrants for taxes," and recommended its rejection, for the reason that the existing laws provide for the same purpose.

Also, Bill No. 184, "an act requiring certain counties to collect and pay over delinquent territorial taxes," and recommended its passage.

On motion of Mr. Ide, Bill No. 168, "an act to amend the law relating to the incorporation of cities and towns," was

Referred to the committee on elections.

Mr. Stratton reported Bill No. 138, "an act for the erection of a dam across the Neosho river," and recommended its passage.

Mr. Rogers introduced Bill No. 205, "an act establishing uniformity in school books."

Read the first time.

The House then went into committee of the whole.

Mr. Campbell, of Allen, in the chair.

After some time spent therein, the committee arose and reported back Bill No. 128, "an act regulating marriages," and recommended that the enacting clause be stricken out.

And reported progress on Bills Nos. 157, 142, 143 and 144, and asked leave to sit again.

Mr. Forman, from the committee on enrolled bills, reported that Bill No. 45, "an act relating to the Marias des Cygnes river," had been placed in the hands of the Governor for his signature.

Adjourned.

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#### AFTERNOON SESSION.

Two o'clock P. M.

House called to order.

Speaker in the chair.

Mr. Forman, from the committee on enrolled bills, made the following report:

The committee on enrolled bills have examined Bills Nos. 57 and 73 and found them correctly enrolled.

Bill No. 16, "an act for the regulation of the penitentiary of the State of Kansas," being a special order for 2 o'clock,

The House went into the committee of the whole for its consideration.

Mr. Lee in the chair.

After some time spent therein, the committee arose and reported the bill back and recommended that it be made the special order for next Saturday at 2 o'clock.

The report was adopted.

The Speaker resumed his seat, when a message was received from the Senate.

The House then went into committee of the whole.

Mr. Brown in the chair.

After some time spent therein, the committee arose and reported the following bills and recommended that the enacting clauses be stricken out, viz.:

Bill No. 157, "an act to encourage the cultivation of cotton, sorghum and grapes."

Bill No. 148, "an act to amend an act entitled 'an act to establish a code of civil procedure.'"

Bill No. 142, "an act to amend an act entitled 'an act to create a lien in favor of mechanics and others, and to regulate the proceedings to enforce the collection of the same.'"

Bill No. 144, "an act to amend, 'an act relating to executions returned not satisfied.'"

A message was received from the Governor, announcing that he had approved Bill No. 45, "an act declaring the Marias des Cygnes river unfit for navigation."

Also, Bill No. 57, "an act to extend the time for transcribing the records of the Pawnee land district recorder's office."

Also, Bill No. 73, "an act concerning evidence."

Mr. Forman, from the committee on enrolled bills, reported Bills Nos. 57, 73, 4 and 92 correctly enrolled.

The House then went into committee of the whole.

Mr. Emery in the chair.

After some time spent therein, the committee arose and reported back Bill No. 145, "an act to repeal an act entitled 'an act to provide for the redemption of real estate sold under execution, order of sale or other final process,' " recommending its rejection.

Also, Bill No. 187, "an act to prohibit the carrying or wearing of concealed weapons," and recommended that the enacting clause be stricken out.

Adjourned.



FRIDAY, February 6, 1863, 10 o'clock A. M.

House called to order

The Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Christie, Grover, Gwartney, Lattin, Lee 17th district, and Russell.

Prayer by the Rev. Mr. Paulson.

Journal of Yesterday read and approved.

Mr. Douthitt presented the following petition of S. G. Reeder and others, remonstrating against the repeal of the hog law, so far as relates to Soldier township, Shawnee county :

[Petition not furnished.—PRINTER.]

Referred to special committee on hog law,

Mr. Foster presented a petition of L. A. Beam and others, for a road from Clinton, via Auburn, to Wabaunsee

Referred to committee on roads and highways.

Mr. Saunders, from committee on engrossed bills, have examined House Bill No. 130, "an act to prescribe the manner of applying for pardons," and

Bill No. 149, "an act to amend an act entitled 'an act to establish a code of criminal procedure,'" and find them correctly engrossed.

Mr. Means, from a special committee, reported that the committee had examined the Auditor's report, in relation to outstanding territorial warrants and find that the whole amount of warrants outstanding drawn upon appropriations made prior to December 7, 1857, is \$5,794 70, included in said report.

The committee recommend an additional section to the bill before the House, providing that the above amount be not funded, and also that certain other warrants issued since the above date, chiefly for Lecompton convention expenses, be excluded from the operation of the bill.

Mr. Mitchell, as a member of the committee, subscribed to the facts set out in the report, but did not think the committee had any authority to make a recommendation.

Insert the following at the end of section 7 :

*Provided*, That no territorial warrants issued prior to December 7, 1857, nor the following named warrants, issued since December 7, 1857, to wit:

No. 165, issued to A. W. Cook, assessor of Johnson county, for \$22 50.

No. 175, issued to W. C. Ransom, clerk of Lecompton convention, \$90.

No. 254, issued to B. F. Hill, sheriff of Bourbon county, Lecompton convention expenses, \$120.

No. 267, issued to A. W. Jones, delegate to Lecompton convention, \$84.

Nos. 1256 to 1263, inclusive, issued to R. J. Fulton, taking census in 1857, \$70, shall be funded under the provisions of this act.

The following communication was received from the Auditor, which was referred to committee on ways and means:

AUDITOR'S OFFICE, Topeka, Feb. 6, 1863.

GENTLEMEN :—In compliance with a resolution passed by your honorable body on the 4th day of February, A. D. 1863, requesting the Auditor of State to furnish information as to the amount of taxes assessed to each of the several counties for the year A. D. 1861, and also the amount paid by each, and the amount delinquent for the same year. Also, the same requirements as regards the assessment and collection of taxes for the year 1862.

I beg leave to refer you for said information to the report of Mr. D. L. Lakin, late Auditor of State, for the year ending December 31, 1862.

ASA HAIRGROVE, Auditor.

The following communication was received from the Attorney General :

TOPEKA, KANSAS, OFFICE OF ATTORNEY GENERAL, }  
February 6, 1863.

*Mr. Speaker and Gentlemen of the House of Representatives :*

The subject of your resolution, that the attorney general be requested to furnish your honorable body with his opinion in writing whether the House, in concurring in Senate amendments to any bill should take a vote on the motion to concur, in the same manner as the constitution provides on the final passage of a bill, has been considered by me.

In order to answer this question properly, it is necessary to determine what purpose the people had in view in incorporating into their constitution so unusual a feature, as some portion of the law

and practice of legislative assemblies, and then construe the language of the instrument so that that purpose will be accomplished.

While a territory, a majority of a quorum of each legislative body was duly required to pass a bill, as is the usual practice of legislative assemblies, and thus often it might occur that a minority could enact important changes in the laws. I think the purpose of the people in adopting section 12 of article 2 of the constitution was to require the affirmative assent of a majority of their representatives in order to effect any change in their laws.

This article uses the language "to pass any bill."

I understand a "bill" to be a proposition for a law. The passage of a "bill," so far as legislative body is concerned, to be "the changing of a bill into a law."

Now, if a House bill is amended in the Senate so as to change the substance of the bill, it thereby becomes a different proposition from what it was when it originally passed the House, and when returned, the motion to concur, is in fact a motion that the bill pass as amended, and will require, in my judgment, a majority of all the members elected to the House voting in the affirmative to carry the motion.

Supposing that a bill pass the House locating a State institution at a certain point, and that the Senate amended the bill by striking out that point and inserting another point in a different portion of the State, would not the action in the House upon the bill, when returned, be upon an entirely new proposition? Just so in regard to any other bill, when amended in substance.

If the bill be cancelled, duly in form or phraseology, I do not deem a majority vote necessary on the motion to concur, but if the amendment goes to the substance of the bill, I think the majority vote ought not to be dispensed with.

Respectfully,

W. W. GUTHRIE,  
Attorney General.

A message from the Senate was then read announcing that the Senate had refused to pass Bill No. 50, "an act to limit the time within which to present claims against cities, counties or villages."

That the Senate had passed Bill No. 92, "an act to change the name of Grasshopper Falls," and that the Senate has refused to concur in House Concurrent Resolution No. 12, indorsing the President's proclamation of freedom, and had passed a substitute therefor, in which your concurrence is desired.

The Senate concurred in House Resolution No. 10, returning thanks to the British and Foreign anti-slavery society.

JOHN FRANCIS, *Secretary*:

A message from the Senate was also read announcing the passage of Bill No. 76, "providing for the custody of the law library."

Also, Bill No. 108, "making appropriations for the current legislative expenses for the year 1863."

Mr. Baker moved that the Senate concur in Senate substitute for the House Concurrent Resolution No. 12.

Mr. Foster 30th district, moved to amend by referring it to committee on federal relations. Carried.

Mr. Baker offered a resolution, which was adopted, instructing the judiciary committee to inquire what changes are required in the law relating to marriages.

Mr. Douthitt offered the following resolution, which was adopted :

*Resolved*, 1st. That the Secretary of State is hereby requested to procure plans and specifications for a building suitable for the temporary accommodation as a State House, and report the same to this House as soon as possible ; said building to cost not exceeding \$11,000.

*Resolved*, 2d. That the clerk notify the Secretary of the adoption of this resolution forthwith.

Mr. Ide introduced Bill No. 200, "an act to provide for the location of lands granted to the State by an act of congress granting land for agricultural colleges."

Read the first time.

Bill No. 195, "an act to amend an act entitled 'an act to change the terms of the district court in the 3d and 5th judicial districts,'" was

Read second time and referred to the committee on judiciary.

Bill No. 197, "an act to authorize the leasing of school lands, and to prevent waste upon the same,"

Read the second time and referred to the committee on education.

Mr. Snyder introduced the petition of J. B. Mitchell and 49 others, asking for the re-location and removing of part of the old territorial road from Fort Scott to Fort Leavenworth.

Referred to the committee on roads and highways.

Bill No. 198, "an act to locate a State road from Leroy, in Coffey county, to Eureka, in Greenwood county."

Read the second time and referred to committee on roads and highways.

Bill No. 199, "an act to establish a State road from Osawkee to Topeka."

Read second time and referred to the committee on roads and highways.

Bill No. 196, "an act to provide for the re-location and re-surveying of a portion of the territorial road from Leavenworth to Fort Scott, in Linn county."

Read second time and referred to the committee on roads and highways.

Bill No. 200, "an act vacating a part of Wilson street in Spring Hill, Johnson county."

Read second time and referred to the committee on judiciary.

Bill No. 201, "an act to amend 'an act fixing the fees of the clerk of the supreme court, district attorneys, county officers, justices of the peace, constables, witnesses, jurors, referees, appraisers and notaries public,' " was

Read the second time and referred to the committee on fees and salaries.

Bill No. 202, "an act to provide for the publication of general laws in newspapers," was

Read the second time and referred to the committee on printing.

Bill No. 203, "an act defining the time for holding election for member of Congress," was

Read second time and referred to the committee on elections.

Bill No. 204, "an act to amend an act entitled 'an act to establish a code of criminal procedure,' approved Feb. 9, 1859," was

Read second time and referred to committee on judiciary.

Bill No. 205, "an act establishing uniformity in school books," was

Read second time and referred to the committee on education

Bill No. 130, "an act prescribing the manner of applying for pardons," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 68. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Irwin, Johnston 1st district, Johnson 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, Medill, Miller, McCartney, Mitchell, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

Voting in the negative Mr. Grover.

And so the bill passed.

The title was agreed to.

Bill No. 149, "an act to amend an act entitled 'an act to establish a code of criminal procedure,'" was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 65. Noes 4.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bowman, Bradley, Broadhead, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, and Weisback.

Those voting in the negative were Messrs. Barrett, Brown 22d district, Brown 54th district, Craft and Irwin.

And so the bill passed.

The title was agreed to.

Mr. Eskridge, from the committee on county seats and county lines, reported Bill No. 40, "an act providing for the permanent location of the county seat of Wabaunsee county," and recommended its passage.

By consent, Mr. Bishop withdrew Bill No. 32, "an act relating to the location of the county seat of Saline county."

The House then went into committee of the whole.

Mr. Foster, of Douglas county, in the chair.

The committee, on rising, reported Bill No. 140, "an act for the removal and permanent location of county seats," and recommended that it be made the special order for Friday next.

Mr. Forman, from the committee on enrolled bills, reported that the following bills had been placed in the hands of the Governor for his signature :

Bill No. 4, "an act supplementary to an 'an act to provide revenue for the year 1862.'"

Also, Bill No. 92, "an act to change the name of Grasshopper Falls."

The committee also reported that Bill No. 108, "an act making appropriations for the legislative expenses for the year 1863," had been correctly enrolled.

Adjourned.

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#### AFTERNOON SESSION.

Two o'clock P. M.

House called to order.

Speaker in the chair.

Mr. Brown of Leavenworth, offered a memorial and House Concurrent Resolution No. 16, which, on motion, was referred to a special committee, consisting of Messrs. Brown of Leavenworth, Ford, Stratton, Douthitt and Rogers.

The House then went into committee of the whole for the consideration of the special orders, which were several bills relating to the location of the State university, the agricultural college and insane asylum.

Mr. Russell in the chair.

After some time spent therein, the committee arose and reported back to the House Bill No. 148, and recommended its passage.

And reported progress on Bill No. 122, and asked leave to sit again on Monday at three o'clock.

Also, Bill No. 81, and asked leave to sit again on Monday at three o'clock P. M.

On motion, the House adjourned.

SATURDAY, February 7, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Prayer by the Rev. Mr. Bodwell.

Journal of yesterday read and approved.

Absentees—Messrs. Bowman, Griffith, Hollinberg, Lattin and Medill.

Mr. Gordon presented petitions and remonstrances for and against changing the time of the holding of courts in Davis county.

Referred to the committee on judiciary.

Mr. Saunders reported engrossed Bill No. 148 correctly engrossed.

Mr. Forman, from committee on enrolled bills, reported that House Bill No. 108, entitled "an act making appropriations for the current legislative expenses for the year 1863," was placed in the hands of the Governor for his consideration, on Friday, February 6th, 1863.

Also, that they have examined Bill No. 76, entitled "an act to provide for the custody of the State law library of the State of Kansas," and have found the same correctly enrolled.

Mr. Brown, from special committee, made the following report :

MR. SPEAKER:—Your committee have had under consideration House Concurrent Resolution No. 16, and request me to report the same back with certain amendments, and recommend its passage.

A. BROWN, *Chairman*.

A message from the Senate was received, saying they had passed Bill No. 66, with amendments. Amendments non-concurred in.

Also, Bill No. 48, relating to sheep breeding, with amendments, which were concurred in.

Also, Bill No. 63 without amendments.

Mr. Saunders moved that the House non-concur in Senate amendments to Bill No. 46. Carried.

Mr. Medill moved that the House concur in Senate amendments to Bill No. 48. Carried.

Mr. Foster, of Leavenworth, offered a resolution, which was adopt-



ed, inviting the Hon. J. L. McDowell and Hon. H. B. Denman, of Leavenworth, to seats on the floor of the House.

Mr. Grover offered a resolution that hereafter all special orders shall appear on the calendar the day after they are made. Adopted.

Special orders, heretofore made and not yet acted upon, shall be printed with the calendar for Monday, the 9th inst.

House Concurrent Resolution No. 16, offered yesterday, was taken up and read.

Mr. Glick moved that the resolution lie on the table to be printed. Lost.

Mr. Foster 80th district moved that the resolution be adopted.

Mr. Glick offered the following amendment to the resolution :

*Resolved*, That the Congress of the United States Government be requested to so provide by law that the said 500,000 acres of land be donated to Kansas for the use of common schools, if the same is not now donated by the act of Congress.

The vote on the adoption of the amendment was taken by ayes and noes with the following result: Ayes 17. Noes 55.

Those voting in the affirmative were Messrs. Alford, Baker, Bottom, Bowman, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Dennison, Glick, Harrison, Hiner, Hollister, Means, McCartney, Sayer and Underhill.

Those voting in the negative were Messrs. Beeson, Barrett, Brown 22d district, Clark, Cobb, Conrey, Craft, Douthitt, Downing, Drake, Ellis, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Gordon, Griffith, Grover, Gwartney, Hanson, Hidden, Hollenberg, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Loy, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Vaughn, Walker, Ward, Weisback, Williams and Mr. Speaker.

And so the amendment was lost.

A message from the Senate was received.

The following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 6, 1868.

To the House of Representatives :

I have this day approved Bill No. 4, "an act to amend an act

entitled 'an act to provide revenue for the year 1862,' approved March 4th, 1862."

Also, Bill No. 92, "an act to change the name of the town and township of Grasshopper Falls and of the Grasshopper river."

Also, Bill No. 108, "an act making appropriations for the current legislative expenses for the year 1863."

Respectfully,

THOMAS CARNEY.

Mr. Bottom moved to strike out the amendment to Concurrent Resolution No. 16, offered by the special committee. Lost.

Concurrent Resolution No. 16 was adopted.

The following bills were introduced and read the first time :

Mr. Alford, of Chase, introduced Bill No. 207, "an act to detach Butler from Lyon county and to attach it to Chase for judicial purposes."

Mr. Clark introduced Bill No. 208, "an act to amend the fee bill."

Mr. Emery introduced Bill No. 209, "an act relating to bonds and recognizances."

Bill No. 194, "an act to amend 'an act to provide for the assessment and collection of taxes,' approved February 27th, 1860, and also an act approved March 6th, 1862, entitled 'an act to amend an act to provide for the assessment and collection of taxes,' approved February 27th, 1860," was

Read the second time and referred to the committee on ways and means.

Bill No. 148, "an act to locate and establish a college for the benefit of agriculture and the mechanic arts," was

Read third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 70. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 38d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Forman, Foster 80th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnston 1st district,

Johnston 70th district, Jones, Lacock, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

And so the bill passed.

The title was agreed to.

On motion of Mr. Jones, the rules were suspended, and

Bill No. 188, "an act concerning the State road from Rising Sun to Grasshopper Falls," was considered engrossed and ordered to a third reading.

The bill was amended by consent and

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 64. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foster 80th district, Foster 40th district, Fullington, Gordon, Grover, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

And so the bill passed.

The title was agreed to.

Mr. Stratton moved that the rules be suspended and Senate substitute to House Joint Resolution No. 4 be taken up. Carried.

On motion of Mr. Stratton, the House concurred in Senate substitute.

On motion, the House adjourned.

## AFTERNOON SESSION.

Two o'clock, P. M.

House called to order.

Speaker in the chair.

Mr. Forman, from the committee on enrolled bills, reported that Bill No. 76, entitled "an act to provide for the custody of the State law library of the State of Kansas," was placed in the hands of the Governor for his consideration on Saturday, February 7, 1863.

Also, that they have examined House Bill No. 68, "an act to amend an act entitled 'an act regulating the terms of the district courts in the several judicial districts,'" and find the same to be correctly enrolled.

FORMAN, *Chairman*.

The House resolved itself into committee of the whole for the consideration of Bill No. 16, (being special order) entitled "an act for the regulation of the penitentiary of the State of Kansas."

After some time spent therein, the committee arose and reported the same back to the House, with the recommendation that it pass.

The report of the committee of the whole was agreed to.

On motion, Bill No. 16 was ordered to be engrossed.

By consent, Mr. Forman, from the committee on enrolled bills, made the following report:

MR. SPEAKER:—The committee on enrolled bills ask leave to report that Bill No. 63, entitled "an act to amend an act entitled 'an act regulating the terms of the district courts in the several judicial districts,'" was placed in the hands of the Governor for his consideration, on Saturday, February 7th, 1863.

Also, that they have examined Bill No. 48, "an act for the encouraging and protection of sheep breeding," and find the same correctly enrolled.

JOHN W. FORMAN, *Chairman*.

On motion, the House adjourned.

MONDAY, February 9, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Campbell 55th district, Conrey, Craft, Eskridge, Glick, Griffith, Grover, Hanson, Jones, Kinner, Lattin, Lee 19th district, Miller, Russell, Underhill, Ward and Weisback.

Prayer by the Rev. Mr. Steel.

Journal of Saturday read and approved.

Mr. Lacock, from the committee on printing, reported Bill No. 202, "an act to provide for the publication of general laws in newspapers," and recommended its rejection.

Mr. Forman, from the committee on engrossed bills, reported Bill No. 48, "an act for the encouragement of sheep breeding," had been placed on the hands of the Governor for his signature.

A message from the Senate was read, announcing the passage of Bill No. 6, relating to costs in criminal cases," with amendments.

Also the Senate refuses to pass Joint Resolution No. 4, memorializing Congress to make the road from Fort Leavenworth to Fort Scott a military road and to make provisions for bridging and improving the same," and have, in lieu, adopted the accompanying substitute, in which your concurrence is desired.

JOHN FRANCIS, *Secretary*.

On motion of Mr. Emery, the House non-concurred in the Senate amendment.

Mr. Russell, from the committee on ways and means, reported Bill No. 127, "an act appropriating money for the expenditures of the supreme court," and recommended its passage.

Mr. Drake, from the committee on roads, reported Bill No. 126, "an act relating to the territorial road from Fort Leavenworth to Fort Scott," without recommendation.

Concurrent Resolutions No. 3 and 4, asking for the appointments of Colonels Ewing and Cloud as brigadier generals, was called up, and

Laid on the table.

The following bills were introduced and read the first time :

By Mr. Saunders, Bill No. 210, "an act to encourage the manufacture of salt."

By Mr. Hidden, Bill No. 211, "an act concerning the registry of births and deaths,"

Bill No. 207, an act entitled "an act detaching the county of Butler from the county of Lyon and attaching the same to the county of Chase, for judicial purposes," was

Read second time and referred to the committee on counties.

Bill No. 208, "an act to amend 'an act fixing the fees of the clerk of the supreme court, district attorneys, county officers, justices of the peace, constables, witnesses, jurors, referees, appraisers and notaries public,' approved March 6, 1862," was

Read second time and referred to the committee on fees and salaries.

Bill No. 209, "an act in relation to bonds and recognizances."

Read second time and referred to the committee on judiciary.

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 7, 1863. }

*To the House of Representatives :*

I have this day approved Bill No. 63, "an act to amend an act entitled 'an act regulating the terms of the district court in the several judicial districts.'"

Also, Bill No. 76. "an act to provide for the custody of the law library of the State of Kansas."

Also Bill No. 48, "an act for the encouragement and protection of sheep breeding."

Respectfully,

THOMAS CARNEY.

On motion of Mr. Emery, Bill No. 85, "an act making appropriation for educating the deaf and dumb children of the State for the year 1863," was made the special order for next Saturday at 10 o'clock.

The House then went into committee of the whole on Bills Nos. 33, 49, 51, 164, 99 and 163.

Mr. Douthitt in the chair.

The speaker resumed his seat, when a message was received from the Senate.

After some time spent therein, the committee arose and through its chairman reported back

Bill No. 49, was taken up, which provides that State and county warrants shall not bear interest.

On motion of Mr. Grover, the enacting clause was stricken out by a vote of 34 ayes to 17 noes.

Also Bill No. 164, "an act to authorize a certain agent, and provide for his payment," with amendment, and recommend its passage.

Reported progress on Bills Nos. 33, 51 and 163, and asked leave to sit again.

The report of the committee was agreed to.

On motion of Mr. Russell, Bill No. 164, was considered engrossed and ordered to a third reading.

The bill was read a third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 63. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown: 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Dennison, Downing, Drake, Ellis, Eskridge, Ford, Forman, Foster 40th district, Fullington, Glick, Gordon, Griffith, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lee 17th district, Loy, Means, McCartney, Medill, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

Voting in the negative Mr. Hollister.

And so the bill passed.

The title was agreed to.

Mr. Russell moved that House Joint Resolution No. 9 be stricken from the calendar. Carried.

On motion, the House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

The House resolved itself into committee of the whole for the consideration of special order—Bills Nos. 14 and 33.

Mr. Means in the chair.

After some time spent therein, the committee arose and through their chairman reported back Bills Nos. 14 and 33, and asked leave to sit again.

The House resolved itself into committee of the whole on special orders for 3 o'clock, being Bills Nos. 9, 81, 122 and 161.

After some time spent therein, the committee arose and through their chairman reported back to the House Bills Nos. 9, 81, 122 and 161, and asked leave to sit again at 7 o'clock this evening.

Report of the committee was agreed to.

Mr. Forman, from committee on enrolled bills, beg leave to report that they have examined House Bill No. 11, entitled "an act to repeal 'an act relating to foreign judgments,'" and find the same correctly enrolled.

JOHN W. FORMAN, *Chairman*.

On motion, the House adjourned until seven o'clock this evening.

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EVENING SESSION.

SEVEN O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Mr. Grover moved that the House resolve itself into committee of the whole for consideration of unfinished business. Carried.

Mr. Russell in the chair.

After some time spent therein, the committee arose and through



its chairman reported back Bill No. 122, entitled "an act locating the State University at Emporia," and recommended its passage.

Also reported progress on Bills Nos. 81 and 161, and asked leave to sit again.

A motion being made to adjourn,

The ayes and noes were demanded and taken with the following result: Ayes 36. Noes 37.

Those voting in the affirmative were Messrs. Alford, Baker, Bishop, Bottom, Bowman, Brown 22d district, Campbell 33d district, Craft, Douthitt, Downing, Drake, Eskridge, Fullington, Glick, Gordon, Harrison, Hawkins, Hollister, Ide, Jackman, Johnston 70th district, Kinner, Lee 17th district, Lee 19th district, Loy, McCartney, Medill, Miller, Page, Rogers, Saunders, Sayer, Tucker, Walker, Ward and Mr. Speaker.

Those voting in the negative were Messrs. Beeson, Barrett, Bradley, Broadhead, Brown 54th district, Campbell 55th district, Clark, Cobb, Conrey, Dennison, Ellis, Emery, Ford, Forman, Foster 40th district, Griffith, Grover, Gwartney, Hanson, Hidden, Hiner, Hollinberg, Irwin, Johnson 1st district, Lacock, Lattin, Means, Mitchell, Russell, Sayer, Steel, Stratton, Underhill, Vaughn, Weisback and Williams.

And so the motion was lost.

Mr. Emery, moved that the bill be ordered to be engrossed.

Upon which the previous question was demanded. The ayes and noes were demanded.

The question being "Shall the main question be now put?" the vote resulted as follows: Ayes 37. Noes 36.

Those voting in the affirmative were Messrs. Beeson, Barrett, Bradley, Broadhead, Brown 54th district, Campbell 55th district, Clark, Cobb, Conrey, Dennison, Ellis, Emery, Ford, Forman, Foster 40th district, Griffith, Grover, Gwartney, Hanson, Hidden, Hiner, Hollinberg, Irwin, Johnson 1st district, Jones, Lacock, Lattin, Means, Mitchell, Russell, Sayer, Steel, Stratton, Underhill, Vaughn, Weisback and Williams.

Those voting in the negative were Messrs. Alford, Baker, Bottom, Bishop, Bowman, Brown 22d district, Campbell 33d district, Craft, Douthitt, Downing, Drake, Eskridge, Foster 30th district, Fullington, Glick, Gordon, Harrison, Hawkins, Hollister, Ide, Jackman, Johnston 70th district, Kinner, Lee 17th district, Lee 19th district,

Loy, McCartney, Medill, Miller, Page, Rogers, Saunders, Snyder, Tucker, Walker and Ward.

And so the motion was carried.

The question recurring on the motion that the bill be ordered engrossed,

The ayes and noes were demanded with the following result :  
Ayes 38. Noes 35.

Those voting in the affirmative were Messrs. Beeson, Barrett, Bradley, Broadhead, Brown 54th district, Campbell 55th district, Clark, Cobb, Conrey, Dennison, Ellis, Emery, Ford, Foreman, Foster 30th district, Foster 40th district, Griffith, Grover, Gwartney, Hanson, Hidden, Hiner, Hollenberg, Irwin, Johnson 1st district, Jones, Lacock, Lattin, Means, Mitchell, Russell, Sayer, Steel, Stratton, Underhill, Vaughn, Weisback and Williams.

Those voting in the negative were Messrs. Alford, Baker, Bishop, Bottom, Bowman, Brown 22d district, Campbell 33d district, Craft, Douthitt, Downing, Drake, Eskridge, Fullington, Glick, Gordon, Harrison, Hawkins, Hollister, Ide, Jackman, Johnston 70th district, Kinner, Lee 17th district, Lee 19th district, Loy, McCartney, Medill, Miller, Page, Rogers, Saunders, Snyder, Tucker, Walker and Ward.

And so the motion prevailed and the bill ordered to be engrossed for a third reading.

On motion, the House adjourned.

MONDAY, February 10, 1863, 10 o'clock A. M.

House called to order.

Speaker in the Chair.

Roll called. Quorum present.

Absentee—Mr. Kinner.

Journal of yesterday read and approved.

Mr. Lacock presented the petition of S. B. Hare and others, relative to a State road from Atchison via Robinson and Hiawatha to Pedonia.

Referred to the committee on judiciary.

Mr. Drake of the committee on judiciary, reported Bills Nos. 95, 112, 136, 199, 171, 153, 198, 167, 152 141 and 139, and reported a substitute for the same.

Mr. Snyder of the committee on fees and salaries, reported Bills Nos. 201 and 208, which propose amendments to the general fee bill, and recommended their rejection.

On motion of Mr. Clark, Bill No. 208 was ordered to be printed.

Mr. Russell of the special committee, to whom was referred the Auditor's report, made a minority report as follows :

MR. SPEAKER :—Your special committee to whom was referred the report of the Auditor, concerning the outstanding Territorial Warrants, having made a majority report, which recommends that certain warrants should not be founded. I beg leave to submit this minority report.

By the law of nations a people are bound by the contracts made by a Government, de facto. This is too well known a principle of national law to require debate or illustration.

The Legislatures of the Territory of Kansas during the years 1855, 1856 and 1857, together with the Governor of said Territory, unquestionably formed a government de facto, and were recognized by the government of the United States as the government de jure, such being the law, and such the fact, we are bound to regard the

issues of warrants while they were in power, as much binding upon the State of Kansas as any subsequent issues of Territorial Warrants.

The Legislatures of 1858, 1859, 1860, 1861, evidently regarded the issues of those warrants as legal, and their tacit acknowledgment of their validity, is as binding on us as though they had so declared by positive enactment.

Had these warrants been issued by a government of so brief and disturbed an existence as to debar it the claim of a government *de facto*, I must regard the subsequent silence of the government *de facto* and *de jure* as completely curing all defect in their title.

There is an equity view of the case, which appears to me unanswerable.

No one can believe that these warrants are now held mainly by those persons to whom they were issued. On the contrary, when we read the names of the original recipients, and call to mind the manner in which such warrants payable usually to bearer, pass from hand to hand, we must inevitably conclude that they are now held by innocent purchasers; as they have circulated for five years without the Territory or State questioning their validity. I submit that honor requires the State to pay them, if she pays one cent of the Territorial indebtedness, and so save the innocent purchaser from loss. If the conniver at theft is as bad as the thief, surely the silent acquiescence of the Territory and State for a term of five years in the justice of these claims, now debars us from an honest repudiation of them. As an honest and honorable man will pay a claim of doubtful legality held by an innocent purchaser rather than have the slightest stain upon his good name, so should our State in the infancy of her existence, protect her honor with all the care and vigilance of a vested virgin. And I, as one of her children, would rather pay my portion of a much larger sum, than have the fair escutcheon of our young State stained with the dishonor of repudiation.

I beg leave, therefor, Mr. Speaker, with all due deference to the majority of the committee, to recommend that all outstanding warrants of the Territory of Kansas, be funded and so discharged.

E. RUSSELL.

Mr. Sayer of the special committee to whom was referred a petition for a State road from Fort Scott to the State road in Miami county to Wyandott, reported Bill No. 213 and recommended its passage.

The following Message received from the Senate on a previous day, was taken up :

MR. SPEAKER :—I am directed to notify the House that the Senate has passed Concurrent Bill No. 10, donating certain books to Baker's University and Blue Mount Central College, and desire your concurrence therein.

The Senate has passed Bill No. 11, "an act relating to suits on Foreign Judgments" without amendment.

I am also directed to present to the House the accompanying resolution in reference to locating the State University, and request your concurrence in the same. A petition accompanying the resolution, signed by Philip Burbaker and sixty-nine others.

The House has passed Bill No. 159, "an act to authorize the changing of names with sundry amendments," in which your concurrence is desired.

JOHN FRANCIS, *Secretary.*

On motion of Mr. Russell, the House then concurred in Senate amendment to Concurrent Resolution No. 10, donating certain books to the Baker University and Blue Mount Central College.

On motion of Mr. Russell, the House concurred in the Senate amendment to Bill No. 159, "an act to authorize the changing of names."

Mr. Eskridge offered the following resolution "relative to the location of the University," which was laid over under the rules :

WHEREAS, It is reported on the streets of Topeka, that corrupt means have been resorted to, to procure the passage of Bill No. 81 ; and Whereas, The House owes it to itself, to protect itself against corruption and bribery, and also to protect its honest members from such infamous aspersions : Therefore

*Resolved*, That there be a committee of five appointed by the Speaker, with power to send for persons and papers, to investigate said charges, and report the result of said investigation to this House at an early day.

Mr. Russell introduced Bill No. 214, "an act authorizing the Secretary of State to administer oaths and take acknowledgment of deeds, &c."

Read the first time.

On motion of Mr. Russell, the rules were suspended, and the bill read the second time, and referred to the Committee on Judiciary.

Mr. Brown of Leavenworth, introduced Bill No. 215, "an act to provide for the construction of three bridges across the Kansas River.

The bill provides for the construction of three bridges across the Kansas River, at Topeka, Lawrence and De Soto. Bonds of the State to the amount of one hundred and fifty thousand dollars are to be issued for the purpose. The Bonds to draw interest at seven per cent. per annum, and to run twenty years.

If Congress shall provide for the construction of a bridge on the Leavenworth and Fort Scott road before the bridge at De Soto shall be contracted for by the State, then one hundred thousand dollars shall be issued.

To secure the payment of these Bonds, the bill provides that there shall be set apart out of the 500,000 acres of land granted to the State under the act of 1841, for each five hundred dollars in bonds, one thousand acres of land. The Governor and Senate are to appoint five commissioners to contract for the construction of the bridges, and to superintend their construction. They are authorized to sell the bonds at a rate not less than ninety cents on the dollar.

The bridges are to be donated to the counties in which they are located, the counties to keep them in repair. They are to be completed within one year from the date of the approval of this act. The commissioners are to report to the next Legislature. The bill was

Read the first time.

The following bills were also introduced :

By Mr. Lacock, Bill No. 216, "an act relating to suits against chartered companies."

Read the first time.

By Mr. Rogers, Bill No. 217, "an act to incorporate the Topeka and Southern Kansas Railroad."

Read the first time.

Bill No. 210, "an act to encourage the manufacture of salt," was

Read the second time and referred to the committee on agriculture.

Bill No. 211, "an act concerning the register of births and deaths," was

Read the second time and referred to the committee on judiciary.

By consent, Mr. Saunders of the Committee on Engrossed Bills, reported the Penitentiary Bill and the University Bill correctly engrossed.

Bill No. 16, "an act for the regulation of the Penitentiary of Kansas," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 69. Noes 2.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 38d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison; Douthitt, Ellis, Emery, Eskridge, Ford, Foreman, Foster 30th district, Foster 40th district, Fallington, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Irwin, Ide, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback, Williams, Mr. Speaker.

Those voting in the negative were Messrs. Downing and Glick.

And so the bill passed.

The title was agreed to.

A call of the House was demanded and taken, and the Sergeant-at-Arms ordered to bring in absentees.

The Sergeant-at-arms having returned with Mr. Sayer, Mr. Griffith moved that further proceedings under the call be dispensed with. Carried.

Bill No. 122, "an act to locate the State University at Emporia,"  
was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 39. Noes 32.

Those voting in the affirmative were Messrs. Beeson, Barrett, Bradley, Broadhead, Brown 54th district, Campbell 55th district, Clark, Cobb, Conrey, Dennison, Ellis, Emery, Ford, Forman, Foster 30th district, Foster 40th district, Griffith, Grover, Gwartney, Hanson, Hidden, Hiner, Hollinburg, Irwin, Johnson 1st district, Jones, Lacock, Lattin, Means, Mitchell, Rogers, Russell, Sayer, Steel, Stratton, Underhill, Weisback and Williams. ♦

Those voting in the negative were Messrs. Alford, Baker, Bishop, Bottom, Bowman, Brown 22d district, Campbell 33d district, Craft, Douthitt, Downing, Drake, Eskridge, Fallington, Glick, Harrison, Hawkins, Hollister, Jackman, Johnston 70th district, Kinner, Lee 17th district, Lee 19th district, Loy, McCartney, Medill, Miller Page, Saunders, Snyder, Tucker, Walker and Ward.

And so the bill passed.

The title of the bill was then amended by striking out the words "at Emporia."

The report was agreed to.

Mr. Forman, that Bill No. 11, "an act to repeal an act relating to Foreign Judgments," had been placed in the hands of the Governor for his signature.

The House then resolved itself into Committee of the Whole.

Mr. Foster in the chair.

After some time spent therein, the committee arose and reported progress on bills Nos. 14, 33, 24 and 184, and asked leave to sit again.

The report of the committee was agreed to.

On motion, the House adjourned.



## AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

The House then resolved itself into Committee of the Whole on special order, being House Bill No. 42, "an act to fund the Territorial debt."

Mr. Saunders in the chair.

The speaker then resumed his seat, when a message was received from the Senate.

The Bill was amended so as to exclude the claims prior to December, 1857.

The committee arose and recommended the passage of the bill as amended.

On a motion to agree to the report of the committee, the ayes and noes being called the vote resulted as follows: Ayes 40. Noes 27.

Those voting in the affirmative were Messrs. Baker, Beeson, Bishop, Bottom, Bowman, Broadhead, Campbell 33d district, Clark, Cobb, Craft, Dennison, Drake, Emery, Eskridge, Ford, Fullington, Gordon, Gwartney, Grover, Hanson, Hiner, Ide, Johnston 70th district, Kinner, Lee 17th district, Lee 19th district, Means, Medill, Miller, Mitchell, Page, Rogers, Russell, Sayer, Snyder, Steel, Stratton, Underhill, Vaughn and Williams.

Those voting in the negative were Messrs. Alford, Barrett, Bradley, Brown 54th district, Campbell 55th district, Conrey, Douthitt, Downing, Ellis, Forman, Foster 30th district, Glick, Hawkins, Hidden, Hollinburg, Hollister, Irwin, Jackman, Johnston 1st district, Jones, Lacock, Lattin, Loy, McCartney, Saunders, Ward and Weisback.

So the report of the committee was agreed to.

Mr. Forman of the committee on enrolled bills, made the following report:

MR. SPEAKER:—The committee on Enrolled Bills, have examined House Bill No. 159, entitled "an act to authorize the changing of names, and find the same correctly enrolled.

On motion, the House adjourned.

TUESDAY, February 11, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Prayer by the Rev. Mr. Paulson.

Journal of yesterday read and approved.

Mr. Saunders of the committee on Engrossed Bills, reported Bill No. 42, "an act to fund the Territorial debt," correctly engrossed.

Mr. Forman of the committee on Enrolled Bills reported that Bill No. 159, "an act for changing names," had been placed in the hands of the Governor for his signature.

Mr. Emery of the Committee on Judiciary, made the following report:

MR. SPEAKER :—The Judiciary Committee herewith report back Bill No. 195, entitled "an act to amend an act to change the terms of the District Court in the third and fifth Judicial Districts," together with the petition of Daniel Mitchell and thirty-two others, for one term of the District Court in Davis county each year; as also the remonstrance of Wm. D. Green and three hundred and fifty others, against change of the terms of the District Court of Davis county to one term each year; with petition of S. B. White and others, on the same subject, and recommend that said bill and petitions be referred to a special committee of five from the third and fifty Judicial Districts.

J. S. EMERY, *Chairman.*

The report was adopted, and Bill No. 195, with accompanying documents, referred to a special committee of five, consisting of Messrs. Miller, Lee 17th district, Bishop, Fullington and Gordon.

Mr. Emery, of the Committee on Judiciary, made the following reports:

MR. SPEAKER :—The judiciary committee have had under consideration Senate Joint Resolution No. 2, "to amend sections one, (1) and three, (3) of article five, (5) of the Constitution of the

State of Kansas," and have instructed me to report the same back to the House and recommend that it be printed. The report was adopted and the resolution ordered to be printed.

MR. SPEAKER:—The judiciary committee have had under consideration a House Resolution, instructing said committee to inquire into and report upon the expediency of reducing the present number of Senators and Representatives in the State Legislature. The undersigned members of said committee would respectfully report, that, in their opinion, the number of members composing the two branches of the Legislature might be reduced much below its present limits with entire safety, so far as it concerns all the practical purposes of legislation. If this question alone had been presented, the sincere desire of your committee to diminish in any manner just and practicable, the expenditures of the State would have influenced the undersigned to urge upon the House the expediency of the amendment to the Constitution referred to in the resolution. But grave obstacles to such an amendment are insurmountable in any manner satisfactory or just to all portions of the State, arise out of the peculiar liberality of our Constitution in securing to each organized county one representative at least, without regard to its population; so that even under its present system, it is believed that some of the most populous districts represent ten times as many inhabitants as others from more sparsely peopled sections. The uniform example of other representative governments, as well as equal justice to all the citizens of the State, would demand some remedy for such obvious partiality.

The amendment contemplated in the resolution, would magnify this evil in a direct proportion to the reduction of the number of Legislators. Should the number be reduced one half, a member from Leavenworth county who now represents six hundred, would then represent twelve hundred inhabitants; while a member from some other county, who now represents not more than forty or fifty, would not be affected by such reduction, but would still be the representative of that forty or fifty inhabitants.

It is the opinion of the undersigned members of your committee therefore, that so extraordinary, anomalous and unjust a partiality for some portion of the State over others, should certainly not be enlarged; and they would respectfully report that the amendment

to the Constitution above referred to, is wholly inexpedient, and ought not to be made.

C. W. GROVER,  
G. W. GLICK,  
JAMES ROGERS,  
IRA J. LACOCK.

I recommend that the change proposed in the above resolutions to the Constitution be made, and that an amendment be made to this instrument, reducing the number of members of the House to fifty-five, and the number of members of the Senate to fifteen.

J. S. EMERY.

MR. SPEAKER :—The judiciary committee report back resolution of inquiry as unorganized counties being made subject to taxation for State and judicial expenses by the counties to which they are attached, and say, that in the opinion of the committee, the bill on that subject now pending, covers the ground of inquiry.

J. S. EMERY, *Chairman*.

Mr. Emery, of the committee on judiciary, reported back the resolution referred to the committee relative to further legislation on the subject of marriages, and reported that no further legislation is necessary.

Mr. Emery of the same committee, also reported Bill No. 189, "an act to detach the counties of Saline and Ottawa," and recommended its passage.

Also, Bill No. 211, "an act concerning the registry of births and deaths," and recommended its rejection.

Also, Bill No. 209, "an act in relation to bonds and recognizances," and recommend that it be printed. The report was adopted, and the bill ordered to be printed.

Also, Bill No. 185, "an act to amend the fee bill," and recommend its rejection.

Also, Bill No. 192, "an act to consolidate the office of district clerk and register of deeds, and county clerk," and recommended that it be printed.

Also, Bill No. 200, "an act vacating a street in Spring Hill," and recommended that it be rejected.

Also, Bill No. 191, "an act supplementary to the code of civil procedure," and recommended that it be printed.

Also, Bill No. 187, "an act amending the act defining the duties of State Officers," and recommended its passage.

Also, Bill No. 183, "an act to tax the improvements of those who take the benefit of the Homestead Bill," and recommended that it be rejected.

Also, Bill No. 204, "an act to amend the code of civil procedure," and recommended that it be rejected.

Also, Bill No. 165, "an act to abolish the office of county assessors," and recommended that it pass.

Also, Bill No. 170, "an act to amend 'an act organizing probate courts,'" and recommended its rejection.

Also, Bill No. —, "an act to amend 'an act for the apportionment of the State for Senators and Representatives,'" and recommended its passage.

Also, Bill No. 110, "an act relating to the same subject," and recommended its rejection.

Also, Bill No. 190, "an act to amend the act providing for the election of district attorney," and recommended its passage.

Also, Bill No. 214, "an act to authorize the Secretary of State to take acknowledgments of deeds, to administer oaths, &c.," and recommended that the Secretary of State, the Auditor and Treasurer, be authorized to administer oaths in the discharge of their official duty, but have no authority to take acknowledgments of deeds or other written instruments by virtue of this act.

Mr. Hollister, of the committee on counties, reported Bill No. 208, "an act detaching the county of Butler from the county of Lyon, and attaching it to Chase for judicial purposes," and recommended its passage.

Mr. Rogers, of the committee on education, reported Bill No. 124, "an act to amend the liquor law," and recommended its passage.

Also, Bill No. 205, "an act establishing a uniformity in school books," and recommended its passage.

Mr. Medill, of the committee on agriculture, reported Bill No. 210, "an act to encourage the manufacture of salt," and recommended its passage.

Mr. Mitchell, of the committee on federal relations, reported concurrent resolution No. 14, relative to the Presidents proclamation, and recommended the passage of the Senate substitute.

The following communication was received from the Secretary of State :

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
 OFFICE OF SECRETARY OF STATE, }  
 Topeka, Feb. 10th, 1863. }

*To the Honorable House of Representatives of the State of Kansas :*

GENTLEMEN :—I have the honor to transmit herewith, plan and specifications of a temporary State House as per your order of the sixth inst. The architect is Mr. M. Kullok of this city, who will be pleased to wait upon the House, and give such explanation as may be desired.

Upon an indication from your honorable body, that you desire the said Kullok (architect) to give explanations, I will inform him and make the request.

I am gentlemen, Very Respectfully,

W. W. H. LAWRENCE,  
 Secretary of State.

On motion of Mr. Douthitt, the plan and specifications were referred to the committee on ways and means.

A communication was read from the Senate, announcing that one hundred and fifty copies of the reply of the Treasurer to the Senate resolution, asking for information relative to the taxes of 1862, had been ordered to be printed.

A communication was read from the Senate, requesting the House to furnish the Senate with two dozen enacting claims. The communication was referred to a select committee, consisting of Messrs. Russell, Tucker and Snyder.

MR. SPEAKER :—I am directed to notify the House, that the Senate refuses to recede from the amendments it made to Bill No. 66, "an act entitled 'an act to change the terms of the district court in the third and fifth judicial districts;'" and Bill No. 6, "an act relating to costs in criminal cases."

The Senate has passed Bill No. 31, "an act to declare the roads leading from Ohio City, in Franklin, to Leroy, in Coffey county,

a State road," with sundry amendments, in which your concurrence is respectfully solicited.

JOHN FRANCIS, *Secretary*.

On motion of Mr. Glick, the following committee of conference was appointed on Bill No. 66, Messrs. Rogers, Saunders, Tucker, Eskridge and Griffith.

Also, on Bill No. 6, Messrs. Glick, Emery, Lacock, Grover and Means.

The Senate reported back Bill No. 31, with amendments, which, on motion of Mr. Means, were concurred in.

The following resolution offered yesterday, was taken up :

WHEREAS, It is reported in the streets and hotels of Topeka, that corrupt means have been resorted to, to procure the passage of Bill No. 81, and whereas, this House owes it to itself to protect itself against corruption and bribery, and also to protect its honest members from such infamous aspersions ; therefore

*Resolved*, That there be a committee of five appointed by the Speaker, with power to send for persons and papers to investigate said charges, and report the result of such investigation to this House at an early day.

Mr. Eskridge moved the resolution be adopted.

Mr. Brown moved to lay the resolution on the table, upon which the ayes and noes were demanded with the following result: Ayes 28. Noes 41.

Those voting in the affirmative were Messrs. Alford, Beeson, Bishop, Bradley, Brown 22d district, Brown 54th district, Clark, Cobb, Conrey, Dennison, Ellis, Emery, Ford, Foster 30th district, Fullington, Gwartney, Hawkins, Hidden, Hiner, Hollinburg, Irwin, Johnston 70th district, Jones, Means, Mitchell, Russell, Steel and Stratton.

Those voting in the negative were Messrs. Baker, Barrett, Bottom, Bowman, Broadhead, Campbell 33d district, Campbell 55th district, Craft, Douthitt, Downing, Drake, Eskridge, Forman, Foster 40th district, Glick, Gordon, Grover, Hanson, Harrison, Hollister, Ide, Jackman, Johnson 1st district, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, McCartney, Medill, Miller, Rogers, Saunders, Sayer, Snyder, Tucker, Underhill, Ward, Weisback and Williams.

So the motion to lay on the table was lost.

Mr. Russell moved to amend by adding to the resolution the words, "*Provided*, That such investigation shall not cost the State any thing.

Mr. Brown offered the following as an amendment to the amendment :

*Resolved*, That this House will not entertain any resolution in regard to corrupt means being used to carry any measure in this House, unless specific charges be made in regard to the offense, and the parties charged.

The amendment to the amendment was adopted.

The question recurring on the amendment as amended, the motion prevailed.

The question recurring on the resolution as amended, it was adopted.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to notify the House that the Senate has passed Concurrent Resolution No. 11, in reference to appointing to examine bonds.

Also Concurrent Resolution No. 7, in relation to the late speech of Martin F. Conway, in both of which your concurrence is desired.

JOHN FRANCIS, *Secretary*.

The Senate Concurrent Resolution No. 7, relative to the late speech of Martin F. Conway, was taken up and read.

Mr. Lacock offered the following as a substitute :

*Be it Resolved*, By the House of Representatives, the Senate concurring therein :

First : That we have beheld with the deepest shame and indignation, the course of Martin F. Conway, our Representative in Congress, in offering a series of resolutions, which, if they are susceptible of any construction whatever, were a declaration of the inability of the Government to successfully prosecute the war—of a want of confidence in our chosen rulers, and the necessity of an abandonment of the cause of the Union in voting against the resolutions of thanks to the brave and patriotic Butler, and in uttering his recent speech in Congress, predicting the downfall of



the administration, which is putting forth its mightier efforts to crush southern rebellion and northern treason—virtually favoring a recognition of the Southern Confederacy, and calculated to cheer the drooping spirits of tottering rebellion, as being the voice of the sole representatives of the most loyal of States.

Second: That in so doing he has betrayed the confidence reposed in him by the brave, loyal and trusting people of Kansas, who have responded to the call of their country as men never did before, and have poured out their life-blood like water upon many a hard fought battle field; who chose him to represent them while the rebellion was raging, and when there could be no misunderstanding that their almost unanimous sentiment was for a most energetic and unyielding prosecution of the war, until every vestige of the rebellion was crushed out, and order and union securely restored; and that they would regard as worse than a traitor him who should council or hint at an abandonment if the conflict, or a truce to the insurgents before the great end of the contest was accomplished.

Third: That in a time like this, holding that it would be far better to be unrepresented than misrepresented, and notwithstanding but one short month yet remains of his official term, in the name of the people of Kansas, and in language not to be misunderstood, we say to Martin F. Conway, unfaithful servant, resign your seat.

Fourth: That the Secretary of State be requested immediately upon the passage of these resolutions, to forward a copy to Senators Lane and Pomeroy, to Representative Conway, and to the Speaker of the House of Representatives of the United States. Pending the consideration of the resolution, the House adjourned.

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#### AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

Mr. Forman, of the committee on enrolled bills, made the following reports:

**MR. SPEAKER:**—The committee on enrolled bills have examined House Bill No. 31, entitled "an act to declare the road leading from Ohio City in Franklin county, to Leroy in Coffey county, a State road."

Also Joint Resolution No. 4, memorializing Congress to make a military road from Fort Leavenworth to Fort Scott, and find them correctly enrolled.

JOHN W. FORMAN, *Chairman.*

The question being on the adoption of the substitute for Senate Concurrent Resolution No. 7, a call of the House was demanded. The roll was called and the following gentlemen were absent:

Messrs. Cobb, Drake, Foster 40th dist., Grover, Hiner, Kinner, and Russell.

Mr. Baker moved that further call of the House be dispensed with. Lost.

The sergeant-at-arms returned with Messrs. Grover and Cobb.

Mr. Foster was excused on account of illness.

Mr. Foster moved the further call of the House be dispensed with. Lost.

Mr. Brown, of Leavenworth, moved the further call of the House be dispensed with. Lost.

The sergeant-at-arms returned with Mr. Russell.

On motion of Mr. Baker, further proceedings under the call be dispensed with.

Mr. Russell moved that the special order be dispensed with until concurrent resolutions are dispensed with. The motion prevailed.

Pending the reading of the resolution, a message from the Senate was received.

Mr. Eskridge moved to amend by striking out the words "come home," and inserting "resign your seat."

The motion to amend prevailed.

The question being on the adoption of a substitute for Senate Concurrent Resolution No. 7, as amended, relative to the speech of Mr. Conway, the ayes and noes were demanded with the following result: Ayes 60. Noes 3.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 22d dist., Brown 54th dist., Campbell 83d dist., Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eakridge, Ford, Fullington, Gordon, Grover, Hanson, Harrison, Hawkins, Hidden, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Mitchell, Page, Russell, Saunders, Sayer, Snyder, Stael, Stratton, Tucker, Underhill, Ward, Weisback, Williams and Mr. Speaker.

Those voting in the negative were Messrs. Bowman, Campbell 33d district, Forman, Foster, Glick, Gwartney, Miller and Vaughn.

So the substitute was adopted.

The House then went into committee of the whole.

Mr. Baker in the chair.

The committee arose and reported Bill No. 17, "an act to authorize school district No. 1, in Lyon county, to issue bonds;" and recommended its passage.

The report was agreed to, and the bill was ordered to be engrossed.

Senate Concurrent Resolution No. 11 was then concurred in.

The following message, received from the Senate yesterday, was taken up:

MR. SPEAKER:—I am directed to notify the House that the Senate has passed Bill No. 133, "to declare the road leading from Seneca, Nemaha county, to a point where the present military road crosses the north line of the State of Kansas, in the Territory of Nebraska, a State road," without amendments.

The Senate has passed Bill No. 100, "an act authorising the county commissioners to increase or diminish the number of justices of the peace in any township," with sundry amendments, in which your concurrence is respectfully solicited.

JOHN FRANCIS, *Secretary*.

Mr. Miller moved that the House concur in Senate amendments to Bill No. 100.

Upon which the ayes and noes were demanded with the following result: Ayes 68. Noes 1.

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Coprey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foster 30th district, Fullington, Glick, Gordon, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Jones, Kinner, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Ward and Williams.

Voting in the negative Mr. Baker.

So the House concurred in Senate amendments to Bill No. 100.

The following bills were introduced and read the first time :

By Mr. Beeson, Bill No. 218, "an act to locate the insane asylum."

By Mr. Clark, Bill No. 219, "an act to fund the debt of Doniphan county."

By Mr. Ford, Bill No. 220, "an act to establish a ferry across the Kansas river."

By Mr. Hidden, Bill No. 221, "an act to locate the State deaf and dumb asylum at Seneca, Nemaha county."

By Mr. Grover, Bill No. 222, "an act to amend the act to restrain the issuing of county warrants."

By Mr. Ide, Bill No. 223, "an act to provide for the incorporation of fire, marine and life insurance companies."

By Mr. Russell, Bill No. 224, "an act relative to county maps."

Mr. Clark, of the committee on the militia, reported Bill No. 75, "an act to amend the militia law," and recommended its rejection.

Mr. Rogers moved that the House adjourn. Lost.

Bill No. 212, "an act to establish certain State roads," (substitute for Bills 95, 112, 136, 199, 171, 153, 198, 167, 152, 141, 139,) was

Read second time and ordered to be placed on general orders.

Bill No. 218, "an act to establish a State road," was

Read second time and ordered to be placed on general orders.

House Bill No. 215, "an act to provide for the construction of three bridges across the Kansas river," was

Read second time and referred to the committee on internal improvements.

House Bill No. 216, "an act relating to suits against chartered companies," was

Read second time and referred to the committee on judiciary.

House Bill No. 217, "an act to amend an act entitled 'an act to incorporate the Topeka and southern Kansas railroad,'" was

Read second time and referred to the committee on judiciary.

On motion, the House adjourned.

THURSDAY, February 12, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Beeson, Christie, Douthitt, Emery, Eskridge, Foster 40th district, Griffith, Harrison, Russell and Saunders.

Prayer by the Rev. Mr. Preston.

Journal of yesterday read and approved.

Mr. Bradley presented the petition of Samuel Shockley and others, praying for the removal of the line of Nemaha county six miles west.

Mr. ——— presented the petition of G. W. Dale and others, for the repeal of the hog law.

Mr. Saunders, of the committee on engrossed bills, reported Bill No. 17, "an act authorizing school district No. 1, in Lyon county," correctly engrossed.

Mr. Lacock, of the committee on the judiciary, to whom was referred the petition of J. B. Hover and others, concerning a State road, beg leave to report the same back to the House with the accompanying bill.

[Copy not furnished.—PRINTER.]

Mr. Lee, of the committee to whom was referred Bill No. 168, "an act supplemental to an act incorporating cities," reported the same back and recommended its passage.

Mr. Forman, of the committee on enrolled bills, reported that Bill No. 31, relating to a State road from Ohio City to Leroy, and Joint Resolution No. 4, memorializing Congress relative to a military road from Fort Leavenworth to Fort Scott, had been placed in the hands of the Governor for his signature.

Mr. Campbell, of the committee on public lands, reported Bill No. 276, "an act to provide for the location of lands granted to the State for an agricultural college," and recommended its passage without amendment.

Mr. Fullington, of the same committee, would beg leave to submit the following amendment as a minority report :

Sec. — It is hereby made the duty of said commissioners to file a copy of their report with the Auditor of State.

Sec. — The register and receiver in the several land districts in this State shall receive five mills per acre on all lands located in their respective districts, under the provisions of this act, to be divided equally between the register and receiver. And the Auditor is hereby directed to issue warrants to the respective land officers on the Treasurer for the amount to which they are entitled, as shown by the report of the commissioners.

B. F. FULLINGTON.

Mr. Douthitt offered a resolution, which was adopted, allowing the ladies the use of the hall on the night of the 23d instant, for the purpose of holding a festival for the benefit of the suffering refugees at Fort Scott.

The following bills were introduced and read the first time :

By Mr. Bottom, Bill No. 225, "an act to protect the estates of Indians."

By Mr. Vaughn, Bill No. 226, "an act to vacate certain streets and alleys in Palmyra, in Douglas county."

By Mr. Douthitt, Bill No. 227, "an act providing for the erection of a State Capitol, and making an appropriation for the same."

Mr. Russell introduced Bill No. 228, "an act to provide for the issue and negotiation of bonds of the State, and to legalize the issue and sale of those already issued."

Mr. Snyder introduced Bill No. 228, "an act to establish the salaries of State officers, justices of the supreme court and officers of the Legislature."

Bill No. 218, "an act to locate the insane asylum," was

Read second time and referred to the committee on public institutions.

Bill No. 219, "an act entitled 'an act to fund the debt of Doniphan county,'" was

Read the second time and referred to the committee on ways and means.

House Bill No. 220, "an act to establish a ferry across the Kansas river," was

Read second time and referred to the committee on corporations.

Bill No. 221, "an act to locate the State deaf and dumb asylum at Seneca, Nemaha county, Kansas," was

Read the second time and referred to the committee on public institutions.

Bill No. 222, "an act to amend an act entitled 'an act to restrain the issuing of county warrants,'" was

Read the second time and referred to the committee on ways and means.

Bill No. 223, "an act to provide for the incorporation of fire, marine and life insurance companies," was

Read second time and referred to the committee on corporations.

Bill No. 224, "an act in relation to county maps," was

Read the second time and referred to the committee on counties.

Bill No. 230, entitled "an act concerning a State road from Atchison by way of Robinson and Hiawatha, to Pedonia," was

Read the second time and was ordered to be placed on general orders.

Mr. Russell moved that the rules be suspended to take up Bill No. 184, entitled "an act to require certain counties to collect and pay over delinquent territorial taxes."

On consideration, the motion prevailed.

The following message was received from the Governor:

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 11, 1868.

*To the House of Representatives:*

I did, on the 10th instant, approve Bill No. 11, "an act to repeal an act relating to suits on foreign judgments."

I have this day approved Bill No. 157, "an act to authorize the changing of names."

Also Bill No. 31, "an act to declare the road leading from Ohio City in Franklin county, to Leroy in Coffey county, a State road."

Also Joint Resolution No. 4, memorializing Congress to make a military road from Fort Leavenworth to Fort Scott.

Respectfully,

THOMAS CARNEY.



On motion, the House resolved itself into committee of the whole for the consideration of House Bill No. 184.

Mr. Glick in the chair.

After some time spent therein, the committee arose and through its chairman reported back to the House Bill No. 184. The committee reported progress and asked leave to sit again.

On motion, the House adjourned.

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AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

Mr. Lee offered the following resolution, which was, on motion, laid on the table :

*Resolved*, That in committee of the whole no member shall speak upon the same subject more than once, and then not to exceed five minutes.

The following bills were introduced and read the first time :

Mr. Weisback introduced Bill No. 231, "an act to remove the west line of Nemaha county six miles east."

Mr. Foster of Douglas introduced Bill No. 232, "an act to locate a State road from Clinton to Wabaunsee, via Auburn."

Also House Joint Resolution No. 17, indorsing the Lane Bill for raising three hundred regiments of men.

The House went into committee of the whole for the further consideration of the bill requiring certain counties to pay delinquent territorial taxes.

After some time spent, the committee arose and reported the bill back with amendments, and recommended its passage.

On motion of Mr. Mitchell, Bill No. 184 was ordered to be engrossed for a third reading.

The House then went into committee of the whole

Mr. Ford in the chair.

After some time spent therein, the committee arose and reported

back-Bill No. 94, "an act relating to proceedings by or for persons indicted for treason," with the enacting clause stricken out.

Also Bill No. 113, relating to the same subject, and recommended its passage.

The speaker resumed his seat, when a message was received from the Senate.

The report of the committee of the whole was agreed to.

Mr. Glick moved that Bill No. 184 be considered as engrossed and put upon its third reading. Carried.

Bill No. 43, "an act to fund the territorial debt," was  
Read the third time.

The question being "Shall the bill pass?" a call of the House was demanded, and the roll called.

Absent—Messrs. Saunders and Beeson.

Mr. Beeson was excused on account of illness.

The sergeant-at-arms returned with Mr. Saunders.

On motion, the further call of the House was dispensed with.

Mr. Glick moved that the vote be first taken on Bill No. 184.  
Carried.

Bill No. 184, was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 55. Noes 14.

Those voting in the affirmative were Messrs. Alford, Bishop, Bottom, Bowman, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford Forman, Foster 40th district, Fullington, Glick, Gordon, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Kinner, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Miller, Page, Rogers, Russell, Saunders, Sayer, Stratton, Snyder, Tucker, Underhill, Vaughn, Weisback and Williams.

Those voting in the negative were Messrs. Baker, Barrett, Bradley, Campbell 33d district, Foster 30th district, Grover, Gwartney, Hollister, Jones, Lacock, Lattin, Mitchell, Steel, Walker and Ward.

So the bill passed.

The title was agreed to.

Bill No. 42, "an act to fund the Territorial debt," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 45. Noes 25.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bottom, Bishop, Bowman, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Drake, Emery, Eskridge, Ford, Foster 40th district, Fallington, Gordon, Means, Hawkins, Hidden, Hiner, Ide, Jackman, Johnston 70th district, Kinner, Lee 17th district, Lee 19th district, Hanson, Miller, Mitchell, Page, Rogers, Russell, Sayer, Steel, Stratton, Tucker, Vaughn, Walker and Williams.

Those voting in the negative were Messrs. Foster 30th district, Glick, Grover, Gwartney, Harrison, Hollinberg, Hollister, Irwin, Johnson 1st district, Jones, Lacock, Lattin, Loy, McCartney, Saunders, Snyder, Underhill, Ward and Weisback.

And so the bill passed.

The title was agreed to.

House Bill No. 17, "an act to authorize school district No. 1, in Lyon county to issue bonds." was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 47. Noes 20.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bishop, Bottom, Bowman, Broadhead, Campbell 33d district, Clark, Craft, Dennison, Douthitt, Drake, Ellis, Eskridge, Ford, Foster 30th district, Foster 40th district, Fullington, Gordon, Hanson, Harrison, Hiner, Hollinburg, Hollister, Ide, Jackman, Johnston 70th district, Kinner, Lee 17th district, Lee 19th district, Loy, McCartney, Miller, Mitchell, Page, Rogers, Saunders Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward and Williams.

Those voting in the negative were Messrs. Bradley, Cobb, Conrey, Downing, Emery, Forman, Glick, Grover, Gwartney, Hawkins, Hidden, Irwin, Johnson 1st district, Jones, Lacock, Lattin, Means, Russell, Sayer and Weisback.

Mr. Bottom moved to go into committee of the whole for the consideration of House Bill No. 9.

Mr. Russell moved to amend, that the House take up general orders. Lost.

Mr. Bottom's motion prevailed.

The House resolved itself into committee of the whole for the consideration of Bill No. 9.

Mr. Stratton in the chair.

After some time spent therein, the committee arose, and through their chairman reported the same back to the House, and recommended that it be made the special order for next Tuesday at two o'clock P. M.

Mr. Miller moved that the House go into committee of the whole, for the consideration of Bills Nos. 14, 33, 24, 194, 51, 99, 71, and House Joint Resolution No. 8.

Mr. Jackman in the chair.

After some time spent therein, the committee arose, and through their chairman reported back to the House, and reported progress on Bills Nos. 14, 24, 194, 51, 99, 71 and 83, and asked leave to sit again to-morrow morning at eleven o'clock, and recommend that House Joint Resolution No. 8, be passed.

On motion, the House adjourned.

FRIDAY, February 13, 1863, 10 o'clock A. M

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Brown 22d district, Craft, Douthitt, Emery, Eskridge, Ford, Griffith, Grover, Gwartney, Hanson, Hidden, Johnston 70th district, Kinner, Lattin, Medill, Russell, Saunders, Vaughn and Ward.

Prayer by the Rev. Mr. Paulson.

Journal of yesterday read and approved.

Mr. Miller of the select committee, to whom was referred Bill No. 185, relative to the terms of the courts in the third and fifth districts, reported the same back, and recommended its passage.

A message was read from the Senate, announcing the adoption of House Concurrent Resolution No. 16, relative to the 500,000 acres of land granted by Congress under act of 1841, with an amendment omitting the section expressing a preference that the lands be applied to works of internal improvement.

On motion of Mr. Brown, of Leavenworth, the House concurred in the Senate amendment.

The following messages were received from the Senate :

MR. SPEAKER :—I am directed to notify the House, that the Senate has appointed Messrs. Potter, Maxson and Clark, a committee to confer with a committee on the part of the House, in reference to Bill No. 66, "an act to amend an act entitled 'an act to change the terms of the district court in the third and fifth judicial districts,' " approved March 4th 1862.

The Senate has appointed Messrs. Low, Thurston and Spaulding, a committee to confer with a committee on the part of the House, in reference to Bill No. 6, "an act relating to costs in criminal cases."

JOHN FRANCIS, *Secretary.*

MR. SPEAKER :—I am directed to notify the House that the Senate refuses to pass the following bills :

Bill No. 49, "an act to amend an act entitled 'an act to establish a code of criminal procedure.'"

Also, Bill No. 121, "an act concerning the liabilities of hotel keepers."

Also, Bill No. 130, "an act to prescribe the manner of applying for pardons."

JOHN FRANCIS, *Secretary.*

The following bills were introduced and read the first time :

By Mr. Ellis, Bill No. 233, "an act to establish a State road from Wyandott to Mound City.

By Mr. Jones, Bill No. 234, "an act for the relief of persons holding duplicate receipts from the register and receiver of land offices, and which have been assigned," and providing for recording the same.

Bill No. 225 "an act to protect the estates of Indians," was

Read the second time and referred to the committee on Federal Relations.

House Bill No. 226, "an act to vacate certain streets and alleys," was

Read the second time and referred to a special committee, consisting of Vaughn, Johnson 1st district, Hiner, Campbell 33d district, and Hollister.

House Bill No. 227, "an act to provide for the erection of a State Capitol, and making appropriation for the same," was

Read the second time and referred to the committee on public instructions.

House Bill No. 228, "an act to provide for the issue and negotiation of bonds of the State of Kansas, and to legalize the issue and sale of others already issued," was

Read the second time and referred to the committee on ways and means.

House Bill No. 229, "an act to establish the salaries of State officers, justices of the supreme court, judges of the district court, and officers of the legislature," was

Read the second time and referred to the committee on fees and salaries.

House Bill No. 231, "an act to remove the present county line between the county of Nemaha and Marshal, and establish the same six miles east," was

Read the second time and referred to a special committee, consisting of Bradley, Hidden, Weisback, Hollinburg and Forman.

House Bill No. 232, "an act entitled 'an act to locate a State road from Clinton to Wabaunsee via Auburn,'" was

Read the second time and referred to the committee on roads and highways.

Mr. Emery, by consent, withdrew Bills Nos. 59 and 60.

Bill No. 183, by consent, was ordered to be printed.

Mr. Cobb, by consent, withdrew Bill No. 116.

A message was received from the Senate.

Mr. Russell introduced Bill No. 235, "an act to make appropriations for the current expenses for the years 1861, 1862 and 1863

Mr. Mitchell of the committee on federal relations, reported concurrent resolution No. 13, memorializing Congress concerning the direct tax, with a substitute, and recommended the passage of the substitute.

The House then went into committee of the whole for the consideration of sundry tax bills.

Mr. McCartney in the chair.

After some time spent therein, the committee arose, and through its chairman reported back to the House Bills Nos. 33 and 99, and recommended their passage, and recommended that Bills Nos. 14, 24, 194, 51 and 71, be stricken from the calendar.

The report of the committee of the whole was agreed to.

On motion, the House adjourned.

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#### AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

Mr. Emery offered a resolution which was laid over under the rules, soliciting the opinion of Mr. Archibald Williams, Judge of

the United States District Court, as to whether the 500,000 acres of land granted to the State by Congress under the act of 1841, belongs to the State for purposes of internal improvements, or whether they have been dedicated to common schools?

Mr. Brown of Leavenworth, moved to suspend the rules for the consideration of the resolution. *Lost.*

Mr. Forman made the following report :

MR. SPEAKER:—The committee on enrolled bills have examined Bill No. 100, entitled "an act authorizing the county commissioners to increase or diminish the number of justices of the peace in any township."

Also, Bill No. 133, entitled "an act to declare the road leading from Seneca, Nemaha county, to a point where the military road crosses the north line of the State of Kansas in the Territory of Nebraska, a State road, and have found them correctly enrolled.

JOHN W. FORMAN, *Chairman.*

Mr. Foster of Douglas, offered a resolution, which was laid over under the rules, that this Hall is totally unfit for the use of this body, and that the sergeant-at-arms be instructed to procure another immediately.

Mr. Russell offered the following resolution, which was laid over under the rules :

*Resolved*, By the House of Representatives, the Senate concurring therein, that the legislature do adjourn *sine die* on the third day of March, A. D., at 12 M.

The House then went into committee of the whole.

Mr. Hiner in the chair,

The speaker resumed his seat, when a message from the Senate was received.

After some time spent therein, the committee arose, and reported back Bill No. 140, "an act for the removal or location of county seats," and recommended its passage, and reported back Bills Nos. 26 and 14 without recommendation.

On motion, Bill No. 140 was ordered to be engrossed.

Mr. Lacook introduced the resolution passed by the House on Wednesday, condemning the course of Martin F. Conway, in which



the Senate refused to concur. He moved that they be passed as the resolutions of the House simply, and that the Secretary of State be instructed to furnish copies to Mr. Conway, and to our Senators in Congress.

The rules were suspended for the consideration of the resolution.

Mr. Russell moved that the resolution be adopted.

On which the ayes and noes were demanded with the following result: Ayes 51. Noes 7.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Broadhead, Brown 22nd district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Emery, Eskridge, Ford, Foster 40th district, Fullington, Gordon, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacey, Lee 17th district, Lee 19th district, Loy, Means, Mitchell, Page, Russell, Saunders, Sayer, Steel, Stratton, Tucker, Underhill and Ward.

Those voting in the negative were Messrs. Forman, Foster 30th district, Glick, Gwartney, McCartney, Rogers and Vaughn.

So the resolution passed.

Mr. Forman of committee on enrolled bills, reported that Bills Nos. 100 and 108, had been placed in the hands of the Governor for his signature.

On motion, the House adjourned.

SATURDAY, February 14, 1863, 10 o'clock A. M.

House called to order.

Speaker in the Chair.

Roll called. Quorum present.

Absentees—Messrs. Campbell 55th district, Douthitt, Drake, Emery, Eskridge, Forman, Hanson, Kinner, Lattin, Russell and Stratton.

Prayer by the Rev. Mr. Bodwell.

Journal of yesterday read and approved.

A message was read from the Governor, announcing that he had approved Bill No. 100, "an act authorising county bonds to increase or diminish the number of justices of the peace."

Also, Bill No. 183, "an act to locate a road from Seneca to the Nebraska line.

Mr. Saunders, of the committee on engrossed bills, reported that they have examined House Bill No. 113, "an act to prevent proceedings at law in the name or for the benefit of disloyal persons."

House Joint Resolution No. 8, memorializing Congress to make provisions for bridging and improving the military road from Fort Leavenworth via Fort Riley, to Fort Larned, and found them correctly engrossed.

W. B. SAUNDERS, *Chairman*.

Mr. Vaughn, of the committee to whom had been referred Bill No. 226, "an act to vacate certain streets in Palmyra," reported the same back with the recommendation that it pass.

Mr. Beeson presented the petition of John Ricketts and others, for the repeal of the hog law.

Referred to the special committee.

Mr. Glick presented the petition of A. G. Otis and others, for the location of a State road.

Referred to the committee on roads and highways.

Mr. Beeson presented the petition of James Hamway and others, for the repeal of the hog law in Franklin county.

Mr. Lattin presented the petition of citizens of Morris county for a repeal of the hog law in that county.

Mr. Brown of Leavenworth presented the petition of G. W. Sincox and others, for the repeal of the hog law.

Referred to the special committee.

Mr. Brown presented a remonstrance of John Barlow and others, against the repeal of the hog law.

Referred to the special committee.

Mr. Stratton, of the special committee to whom was referred Bill No. 215, "an act to provide for the construction of three bridges across the Kansas river," reported the same back with sundry amendments, and recommended that it be printed.

Mr. Forman, of the committee on enrolled bills, reported that the committee have examined House Bill No. 7, entitled "an act supplemental to an act entitled 'an act to create a lien in favor of mechanics and others, and to regulate the proceedings to enforce the collection of the same,' approved March 4th, 1862," and find the same correctly enrolled.

JOHN W. FORMAN, *Chairman.*

The following message was received from the Senate :

MR. SPEAKER :—I am directed to notify the House that the Senate has passed Bill No. 7, "an act supplemental to an act entitled 'an act to create a lien in favor of mechanics and others, and to regulate the proceedings to enforce the collection of the same,' " without amendment.

The Senate has also passed Bill No. 146, "an act to establish a State road from Lawrence to Hiawatha," with one amendment in which your concurrence is desired.

Also Bill No. 58, "an act to amend an act entitled 'an act regulating the terms of the district court in the several judicial districts,' approved May 20th, 1861," without amendment.

Also Bill No. 109, "an act requiring assessors to furnish certain statistics," with certain amendments in which your concurrence is desired.

Also Bill No. 148, "an act to locate and establish a college for the benefit of agriculture and the mechanic arts," without amendments.

JOHN FRANCIS, *Secretary.*

On motion of Mr. Lacock, the House concurred in Senate amendment to Bill No. 146.

The Senate amendments to Bill 109, "an act requiring assessors to furnish agricultural statistics," were concurred in by the House.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to notify the House that the Senate has failed to pass House Concurrent Resolution No. 14, memorializing Congress to grant land to pay losses sustained during the years 1855, 1856 and 1857, but have adopted in lieu thereof the accompanying substitute, in which your concurrence is desired.

Also House Concurrent Resolution No. 9, approving of the recommendation from the State of Rhode Island and Providence Plantations on the increase of the number of cadets.

Also House Concurrent Resolution No. 15, relating to communication by resolution from the Legislature of Maryland, has been adopted, with one amendment in which your concurrence is desired.

JOHN FRANCIS, *Secretary*.

The House concurred in Senate substitute for House Concurrent Resolution No. 14.

Mr. Jackman offered a resolution that hereafter, in committee of the whole, members shall not speak more than ten minutes at a time. Laid on the table.

Mr. Underhill offered a resolution which was adopted, requiring the committee on education to report upon the subject of bringing the school lands of the State into market.

Mr. Eskridge offered the following resolution, which was laid over under the rules :

*Resolved*, That the thanks of this House be tendered to those who participated in the recent suppression and destruction of that seditious and traitorous sheet, the *Leavenworth Inquirer*; and to maintain a healthy public sentiment for the cause of the Union, the *Leavenworth Times*, and other papers in our State, of questionable character and loyalty, should be carefully and zealously watched when treason through their columns be so bold as to be impudent, they may also be uncerimoniously suppressed by the people they seek to disturb and injure.

The following resolution, that was offered on a previous day, was

*Resolved*, By the House of Representatives of the Kansas Legislature, That Archibald Williams, judge of the district court of the United States, sitting in Kansas, is hereby respectfully solicited to submit to this House, at an early day, his opinion, in writing, as to whether the 500,000 acres of land, granted to the State under the provisions of an act of Congress entitled "an act to appropriate the proceeds of the sale of public lands and grant pre-emption rights," approved September 4th, 1841, do now belong to the State for purposes of internal improvements, or have the said lands, by virtue of our Constitution and the act of admission, been dedicated to the support of common schools?

Mr. Brown of Leavenworth moved that the resolution be adopted.

Mr. Glick moved to amend the resolution by striking out "Archibald Williams, judge &c.," and inserting in its stead the "Attorney General of the State." Carried.

The resolution as amended was adopted.

The resolution offered yesterday, that another hall be procured for the use of the House, was postponed till march 3d.

The resolution offered yesterday, that the House adjourn *sine die* on the 3d of March, was adopted.

The following bills were introduced and read the first time:

By Mr. Emery, Bill No. 225, "an act relative to the partition of real estate."

By Mr. Douthitt, Bill No. 236, "an act relative to marriages."

By Mr. Brown of Allen, Bill No. 238, "an act to locate the deaf and dumb asylum at Iola."

By Mr. Bottom, Bill No. 237, "an act to authorize the State Treasurer to credit Wyandott county with taxes."

By Mr. Mitchell, Bill No. 236, "an act to change and fix the location of a certain road."

House Bill No. 233, "an act to establish a State road from Wyandott to Mound City," was

Read second time and referred to a special committee consisting of Messrs. Ellis, Sayer, Campbell, Bottom and Dennison.

House Bill No. 234, "an act for the relief of persons holding

duplicate receipts from the registers and receivers of the land offices of the United States, which have been assigned to the holders thereof, and providing for the recording of the same," was

Read second time and referred to the committee on judiciary.

House Concurrent Resolution No. 18 was taken up, read and adopted.

House Concurrent Resolution No. 17 was taken up and read.

The question being on the adoption of the resolution, the ayes and noes were demanded with the following result: Ayes 56. Noes 11.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bishop, Bowman, Bradley, Broadhead, Brown 54th district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Emery, Eskridge, Ford, Foster 40th district, Fullington, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Kinner, Lacock, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Drake, Ellis, Forman, Foster 30th district, Gordon, Glick, Grover, Gwartney, Jones, Latin and Miller.

So the resolution was adopted.

On motion of Mr. Emery, the House resolved itself into committee of the whole for the consideration of special order, being Bill No. 85.

Mr. Foster of Leavenworth, in the chair.

After some time spent therein, the committee arose, and through their chairman, reported back to the House Bill No. 85, and recommended its passage with amendments.

The report of the committee of the whole was agreed to.

On motion, Bill No. 85, was ordered to be engrossed.

Mr. Fullington introduced Bill No. 240, "an act to provide fund for the selection of lands donated to the State for the benefit of an agricultural college.

On motion, the rules were suspended, and Bill No. 240, was

Read the second time and referred to the committee on ways and means.

Mr. Saunders, of the committee on engrossed bills, reported that the committee had examined Bill No. 140, "an act providing for the removal of county seats and the permanent location of the same," and found it correctly engrossed.

Leave of absence was granted to Mr. Saunders for one week.

Leave of absence was granted to Mr. Ford until Tuesday next.

On motion, the House adjourned until Monday morning next at 10 o'clock A. M.

MONDAY, February 16. 1863, 10 o'clock, A. M.

The House called to order by Speaker Saunders, *pro tem*.

Prayer by the Rev. Mr. Steele.

The journal was read and approved.

Mr. Russell, of the committee on ways and means, reported Bill No. 288, "an act to provide for the issue and negotiation of bonds of the State, and to equalize those already issued," and recommended that it be printed and made the special order for Wednesday at 2 o'clock P. M. Report adopted.

Mr. Forman, of the committee on enrolled bills, reported Bills Nos. 148 and 58 correctly enrolled.

Mr. Snyder, of the committee on fees and salaries, reported Bill No. 229, "an act to establish the salaries of State Officers, &c.," recommending its passage.

Mr. Drake, of the committee on roads and highways, reported Bill No. 232, "an act to locate a State road from Clinton to Wabaunsee," and recommended its passage.

Mr. Lee, of the committee to whom was referred Bill No. 208, "an act defining the time for holding the election for member of Congress," recommending its rejection.

Mr. Miller, of the committee on public institutions, reported Bill No. 218, "an act to locate the insane asylum," without recommendation.

Also, Bill No. 221, "an act to locate the deaf and dumb asylum at Seneca," without recommendation.

Mr. Bishop, of the committee on engrossed bills, made a report.

Mr. Ellis, of the select committee, reported Bill No. 233, "an act to establish a road from Wyandott to Mound City," and recommended its passage.

A communication was received from the Attorney General, giving his opinion in response to a resolution as to whether the 500,000



acres of land granted by Congress, were to be applied to school, or for internal improvements, according to the terms of the act of Congress.

We hold the opinion that said land has been donated to the State for the special purpose of internal improvements in the State, and for that purpose only; and that it has not been diverted from that purpose by any legal act whatever.

Mr. Brown, of Allen county, presented a petition from D. B. Stewart, and eighty others, asking the repeal of the hog law.

A message was received from the Senate, that that body had passed with amendments Bill No. 84, "an act to amend 'an act regulating the interest of money.'" The amendment fix the lowest rate at 8 per cent., and the highest at 15 per cent.

Mr. Glick moved that the House now concur in the Senate amendment.

Mr. Russell moved to amend—that the House concur in the Senate amendments. He was in favor of passing the bill as the Senate had amended it; for it is better to lessen the rates somewhat, than not at all. He thought eight per cent. low enough; if we send the bill back, the Senate will not recede, and we shall have the old rates, when we might have made an improvement on them.

Mr. Glick said if the Senate chose to keep upon our Statute Books the law allowing exorbitant rates of interest, let them take the responsibility.

Mr. Hiner took the same views. He wished the responsibility to rest upon the Senate. He was not accountable for the acts of the Senate.

Mr. Beeson said the present high rates of interest were oppressive upon the people—the best portion of the people: and if the Senate chose to disregard the almost unanimous expression of the House on this subject, let that body be held accountable before the people. He hoped the House would not concur.

Mr. Brown, of Leavenworth, said he had voted for the bill as it passed the House. It contained his sentiments on the subject, and he wished to be consistent. He should not be in favor of concurring; he wished to protect the people from the greed of speculators.

Mr. Tucker said the rates fixed in the bill by the House, were sufficient, and he was satisfied that the people would almost unanimously disapprove of the action of the Senate. He thought the Senate would recede from its amendments.

Mr. Brown, of Allen, was for non-concurring.

Mr. Rogers was in favor of concurring in the amendment. He had voted for the bill as it passed the House, and preferred the rates then fixed; but he did not think the Senate bound to recede. He thought the House should then adopt the only means in its power to lessen the present rates of interest. Better adopt the Senate rates, than let the law remain as at present. The Senate amendment to the first section of the bill, makes the legal interest eight, (8) instead of six, (6) per cent. per annum.

The resolution being to concur in Senate amendment to this section, the vote resulted as follows: Ayes 11. Noes 50.

Those voting in the affirmative were Messrs. Alford, Brown 54th district, Campbell 55th district, Clark, Cobb, Foster 30th district, Grover, Rogers, Russell, Underhill and Vaughn.

Those voting in the negative were Messrs. Beeson, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Campbell 33d district, Conrey, Craft, Dennison, Douthitt, Downing, Emery, Eskridge, Forman, Foster 40th district, Fullington, Glick, Gwartney, Gordon, Haason, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Irwin, Jackman, Johnson 1st district, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Miller, Mitchell, Page, Sayer, Snyder, Steel, Stratton, Tucker, Walker, Ward, Weisback and Williams.

The amendments to the other sections of the bill were also non-concurred in.

Mr. Hollinburg offered concurrent resolution No. 18, as follows:

*Resolved*, By the House of Representatives of the State of Kansas, the Senate concurring therein, that the consent of the Legislature of the State of Kansas, is hereby given to the Hannibal and St. Joseph Rail Road company of Missouri, to construct a rail road westward from St. Joseph, Mo., in accordance with the provisions of Sec. 13, of an act of Congress of the United States, entitled "an act to aid in the construction of a rail road and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Gov-

ernment the use of the same for postal, military and other purposes," approved July 1st, 1862. *Provided*, That the consent herein, is given with the express understanding that the one hundred miles of rail road provided for in said section of said act, shall be constructed within the State of Kansas.

Mr. Broadhead offered the following resolution, which was laid on the table :

*Resolved*, That the morning session of this House commence at 9 o'clock A. M.

Mr. Lee, of Jefferson, offered the following resolution, which was laid over under the rules :

*Resolved*, The Senate concurring therein, that both branches of this Legislature adjourn on the 25th of the present month.

The resolution offered by Mr. Eskridge on Saturday, relative to the destruction of the Leavenworth *Inquirer*, was taken up, and the following substitute was offered by Mr. Foster of Leavenworth :

WHEREAS, The Governor in his annual message, delivered Jan. 14, 1868, declares whatever may happen, that the law shall prevail, and whereas, one of our most prosperous cities has been controlled for hours, if not for days, by those who claim insolently to be the defenders of right and justice ; therefore

*Resolved*, That we, the representatives of the people, learn with deep regret of the late riotous proceedings in the city of Leavenworth, resulting in the destruction of private property, and endangering the lives of peaceful citizens.

*Resolved*, That the highest security which may be enjoyed by the citizens arises from a full and faithful observance of the laws.

*Resolved*, That we pledge the Governor our hearty co-operation in the maintenance and enforcement of the laws, believing with him that no community can thrive when life and property are not safe.

Mr. Brown of Leavenworth, moved to lay the resolution and substitute on the table.

The subject elicited considerable discussion, participated in by Messrs. Russell, Foster, Tucker, Brown of Leavenworth, Emery and others.

The motion to lay on the table prevailed by a vote of 54 to 11.

Mr. Forman, of the committee on engrossed bills, reported sundry bills correctly engrossed.

On motion, the House adjourned.

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### AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Mr. Douthitt, of the committee on public lands, to whom had been referred concurrent resolution No. 6, approving Senator Lane's rail road bill, offered the following substitute therefor, and recommended its passage.

*Resolved*, By the House of Representatives of the State of Kansas, the Senate concurring, that the Congress of the United States is hereby earnestly but respectfully memorialized to pass an act granting lands to the State of Kansas to aid the construction of rail roads and telegraphs as follows, to wit :

First : A rail road and telegraph from Leavenworth city through the eastern tier of counties, via Fort Scott, to the southern boundary of the State.

Second : A rail road and telegraph from Leavenworth, south to the Neosho river at or near Iola, thence to the southern boundary of the State, in the direction of Fort Gibson.

Third : A rail road and telegraph from Atchison via Topeka and Council Grove, to the western boundary of the State, in the direction of Santa Fe, New Mexico, with a branch from Topeka south, striking the Neosho at or near Burlington, thence down the valley of said river to the southern boundary of the State, in the direction of Fort Gibson.

Fourth : A rail road and telegraph from Fort Riley via Council Grove, Emporia and Neosho Rapids to Fort Scott, with a branch from Emporia up the valley of the Cottonwood river, to intersect the Atchison and Santa Fe road.

Fifth : A rail road and telegraph from Fort Riley west to Fort Larned.

**Sixth :** A rail road and telegraph from Harmonia, on the State line, between Kansas and Missouri, to intersect the Fort Scott and Fort Riley road at some point in Coffey county.

The following bills were introduced and read the first time :

By Mr. Russell, Bill No. 243, "an act for the erection of a temporary capitol."

By Mr. Emery, Bill No. 242, entitled "an act to change the location of the State road from Leavenworth to Paola.

By Mr. Russell, Bill No. 244, entitled "an act to provide for the auditing and payment of outstanding Territorial indebtedness."

By Mr. Saunders, Bill No. 245, entitled "an act to amend 'an act defining the mode of laying out and establishing roads,' approved Feb. 27, 1860.

By Mr. Foster, Bill No. 246, entitled "an act to establish separate schools in incorporated towns and cities for children of African descent."

Mr. Brown, of Leavenworth, presented a petition of W. Dustin and others, praying for the enacting of a law for the separate education of colored children.

Referred to the committee on education.

By Mr. Weisback, Bill No. 247, entitled "an act regulating the recording of deeds."

By Mr. Craft, Bill No. 248, entitled "an act to submit to the people the question of the sale of school land."

The bills introduced were read the second time and referred.

House Joint Resolution No. 8, memorializing Congress to bridge and improve the military road from Fort Leavenworth to Fort Larned, via Fort Riley, was

Read the third time and passed by a vote of 34 to 1.

Bill No. 118, "an act to prevent proceedings at law in the name, or for the benefit of disloyal persons," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows : Ayes 48. Noes 8.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bowman, Bradley, Broadhead, Campbell 55th dis-

trict, Clark, Cobb, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Foster 40th district, Fullington, Gordon. Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Irwin, Jackman, Johnson 1st district, Lacock, Lee 17th district, Loy, Means, Miller, Mitchell, Page, Rogers, Russell, Snyder, Steel, Tucker, Underhill, Vaughn, Walker, Weisback, Williams and Mr. Speaker.

Those voting in the negative were Messrs. Campbell 33d district, Foster 1st district, Jones 3d district.

Mr. Emery presented a petition of John McFarland and others, praying for changing the location of the State road from Lawrence to Paola.

Bill No. 140, "an act providing for the removal of county seats and the permanent location of the same," was then taken up and passed by a vote of 48 to 12.

Bill No. 85 "an act making an appropriation for educating the deaf and dumb children of the State of Kansas, for the year 1863," was then taken up and passed by a vote of 47 to 10.

Bill No. 83, supplemental to the general tax law, was then taken up.

Mr. Mitchell moved to amend so as to permit land sold for taxes to be redeemed within three years, and that the penalty be reduced from 50 per cent. 25 per cent. per annum.

The motion being put, was lost by the following vote : Ayes 22. Noes 40.

Those voting in the affirmative were Messrs. Baker, Broadhead, Clark, Emery, Forman, Foster 30th district, Hiner, Hollister, Irwin, Jackman, Johnson 1st district, Jones, Lacock, McCartney, Mitchell, Page, Rogers, Snyder, Steel Vaughn and Ward.

Those voting in the negative were Messrs. Alford, Beeson, Bottom, Bowman, Bradley, Brown 54th district, Campbell 33d district, Cobb, Conrey, Craft, Dennison, Downing, Douthitt, Drake, Ellis, Eskridge, Foster 40th district, Fullington, Glick. Gordon, Hanson, Harrison, Hawkins, Hidden, Hollinberg, Lee 17th district, Lee 19th district, Loy, Means, Miller, Russell, Saunders, Sayer, Strattan, Tucker, Underhill, Walker, Weisback and Williams.

The bill was then ordered to be engrossed.

Bill No. 99, "an act to amend the common school law" was then taken up.

Mr. Rogers moved to amend so as to allow school districts to vote a tax for pay of teachers wages as high as one per cent. on the valuation of taxable property of the district.

Upon the motion, the ayes and noes were demanded with the following result : Ayes 32. Noes 31.

Those voting in the affirmative were Messrs. Alford, Beeson, Bishop, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Emery, Foster 40th district, Gordon, Harrison, Hawkins, Jackman, Lee 17th district, Loy, Means, Page, Rogers, Saunders, Sayer, Snyder, Steel, Stratton, and Vaughn.

Those voting in the negative were Messrs. Baker, Barrett, Bowman, Brown 54th district, Campbell 55th district, Clark, Drake, Forman, Foster 30th district, Fullington, Glick, Hanson, Hidden, Hiner, Hollinburg, Hollister, Irwin, Johnson 1st district, Jones, Lacock, Lee 19th district, McCartney, Mitchell, Russell, Underhill, Walker, Ward, Weisback and Williams.

Mr. Forman, of the committee on enrolled bills, made a report.

The house resolved itself into a committee of the whole.

Mr. Foster, of Douglas, in the chair.

After some time spent therein, the committee arose, and reported House Joint Resolution No. 7, relative to a change in the Constitution in reference to sessions of the Legislature, and recommended its rejection.

Also, Bill No. 107, "an act to authorize the guardian of Jocwitha Lecompte to sell," and recommended its passage.

Also, Bill No. 87, "an act to raise funds for educational purposes," with the enacting clause stricken out.

Also, Bill No. 41, "an act to prevent the firing of woods, prairies and marshes," and recommended its rejection.

Also, Bill No. 47, "an act to authorize Henry Green to build a bridge," and recommended that no bridge be built within five miles of the bridge now on Cow creek. The Cow creek bridge bill was then defeated.

The House then went again into committee of the whole.

Mr. Eskridge in the chair.

The committee arose, and reported Bill No. 55, "an act concerning taxes in Douglas county," and recommended its rejection.

Also, Bill No. 158, "an act relating to unorganized counties," and recommended its passage.

Bill No. 158 was ordered to be engrossed.

Mr. Tucker offered the following resolution, which was adopted :

*Resolved*, That Col. J. C. Vaughn be invited to deliver a public lecture in this House on the evening of Tuesday, the 17th inst., and that the use of the Hall is hereby given him for that purpose.

Mr. Means presented the petition of S. A. Riggs and others, praying for a road from Lawrence to Iola.

The Speaker appointed the following gentlemen a committee to confer with a like committee on the part of the Senate on the interest bill: Messrs. Glick, Emery, Lacock, Brown and Rogers.

On motion, the House adjourned.



TUESDAY, February 17, 1862, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Douthitt, Drake, Eskridge, Glick, Gwartney, Kinner, Lattin, Miller, Stratton, Vaughn and Ward.

Prayer by the Rev. Mr. Alward.

The journal of yesterday read and approved.

The following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
February 17, 1863.

*To the House of Representatives :*

I approved, on the 16th instant, Bill No. 58, "an act to amend an act entitled 'an act regulating the terms of the district court in the several judicial districts,' approved May 20th, 1861."

Also Bill No. 188, "an act concerning the State road from Rising Sun to Grasshopper Falls."

Also Bill No. 148, "an act to locate and establish a college for the benefit of agriculture and the mechanic arts."

Also Bill No. 146, "an act to establish a State road from Lawrence to Hiawatha."

Also Bill No. 109, "an act prescribing the duties of county assessors, and requiring them to furnish certain statistics."

Respectfully,

THOMAS CARNEY.

Mr. Downing presented remonstrances against the repeal of the hog law.

Mr. Emery, of the committee on judiciary, reported Bill No. 178, "an act to prevent and punish trespassers."

Also Bill No. 61, "an act to amend the code of civil procedure."

Also Bill No. 97, "an act relating to the same subject."

Also Bill No. 177, "an act relating to justices of the peace."

Also Bill No. 286, "an act in relation to marriages."

Also Bill No. 285, "an act relating to the partition of real estate."

Also Bill No. 216, "an act relating to suits against chartered companies."

Also Bill No. 96, "an act to amend the code of civil procedure," and recommended their rejection.

Also Bill No. 234, "an act for the relief of persons holding duplicate receipts from registers and receivers of land offices," and recommended its passage.

Mr. Drake, of the committee on roads and highways, reported Bill No. 289, relative to a certain road, and recommended its rejection.

Mr. Miller, of the committee on public institutions, reported Bill No. 238 without recommendation.

Mr. Forman, of the committee on enrolled bills, reported several bills placed in the hands of the Governor for his signature.

A message was received from the Senate, announcing the passage of the resolution memorializing Congress to bridge and improve the road from Fort Leavenworth to Fort Larned.

Also that the Senate still adheres to the amendments to Bill No. 34, regulating the interest of money.

Also a Senate message announcing the passage of Bill No. 82, relating to State printing, with amendments.

Mr. Russell moved the House non-concur in Senate amendments to section 1 of Bill No. 82. Carried.

Mr. Russell moved that the House concur in Senate amendments to section 2, 3 and 4 of Bill No. 82. Carried.

Mr. Russell moved that Bill No. 238 be printed. Carried.

The resolution offered yesterday, relative to the adjournment of the Legislature on the 25th instant, was taken up.

Mr. Glick moved that the resolution be adopted. Lost.

House Concurrent Resolution No. 6 was taken up.

On motion of Mr. Glick, the resolution was ordered to be printed.

House Concurrent Resolution No. 18 was taken up.

Mr. Glick moved that the resolution be printed.

Pending the discussion thereof, the House adjourned.

## AFTERNOON SESSION.

Two o'clock P. M.

House called to order.

Speaker in the chair.

The Speaker appointed Mollie Campbell and N. P. Thomson assistant engrossing clerks, to whom the usual oath of office was administered.

The following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 17, 1863. }

*Gentlemen of the Senate and House of Representatives :*

I inclose herewith a special report of the State Treasurer of this date, to which your attention is requested.

The facts disclosed in his report are important to the State at large, and will, in my opinion, require your immediate action.

According to this report, the theft of the coupons of the bonds of the State, clipped when due, and while the bonds were yet the property of the State, amounts to the sum of \$3,052, which, added to the amount fraudulently withheld from the treasury from the sale of bonds to the Interior Department, as exhibited in the annual report of the Treasurer of State, makes an aggregate of \$35,702 absolutely taken from the State without any equivalent whatever.

From the annual and special reports of the Treasurer, you perceive that there will be a deficit of thirty-six thousand three hundred and twenty-eight (36,328) dollars which will have to be met, and met promptly.

I leave it to your judgment to determine how this shall be done. It is a grave matter, which neither the Legislature or myself can overlook. I would avoid taxation as you would ; but the public credit—the honor of the State—demand that we should preserve them unstained.

We are now at the turning point of our history. If, poor as we are, we shall faithfully meet our responsibilities at the hour they become due, we shall be far richer in the future than if we were to disregard these obligations.

The facts are before you. You know our indebtedness and our resources. It is your duty to meet the one and use the other so as

best to accomplish this object. I can only suggest, but I shall gladly second any action on your part, which seeks to sustain the credit of the State and preserve, inviolate, its honor. With these remarks then, I submit to you the special report of the Treasurer referred to, and invite your earnest attention to the same.

I also inclose herewith a communication from the Treasurer, dated the 16th instant, explanatory of a portion of his late annual report

Respectfully,

THOMAS CARNEY.

On motion of Mr. Bottom, the House resolved itself into committee of the whole.

Mr. Page in the chair.

When the committee arose, Bills No. 9 and 118 were reported back with the recommendation that they be made the special order for Saturday, at 2 o'clock.

The bills relate to the location of the State insane asylum.

A motion to strike out "Wyandott" and insert "Osawatomie," was lost by a tie vote, the chairman voting in the negative. Paola and Topeka, as well as Wyandott, were named as candidates for the location.

Mr. Forman, of the committee on enrolled bills, made a report:

MR. SPEAKER:—The committee on enrolled bills beg leave to report that Joint Resolution No. 8, memorializing Congress to make provisions for bridging and improving the military road from Fort Leavenworth via Fort Riley to Fort Larned, has been examined and found to be correctly enrolled, and the same was placed in the hands of the Governor for his consideration on Tuesday, February 17th, 1863.

JOHN W. FORMAN, *Chairman*.

On motion, the House adjourned.

WEDNESDAY, February 18, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Brown 22d district, Brown 54 district, Fullington and Kinner.

Prayer by the chaplain.

Journal of yesterday read and approved.

On motion of Mr. Jackman, the sergeant-at-arms received leave of absence until to-morrow morning.

Mr. Saunders, of the committee on engrossed bills, made the following report:

MR. SPEAKER :—The committee on engrossed bills have examined House Bill No. 41, "an act to amend an act entitled 'an act to prevent the firing of woods, marshes and prairies,' approved Feb. 16th, 1860."

Also Bill No. 158, "an act relating to unorganized counties while they remain attached to an organized county for judicial purposes," and

Bill No. 160, "an act to amend an act entitled 'an act relating to townships and township officers,' approved February 27th, A. D. 1860," and found them correctly engrossed.

W. R. SAUNDERS, *Chairman*.

MR. SPEAKER :—The committee on engrossed bills have examined House Bill No. 33, "an act supplemental to an act for the assessment and collection of taxes," and

Bill No. 107, "an act supplemental to 'an act concerning lunatics and habitual drunkards,' approved February 8th, 1859, and to authorize their guardians to lease and sell their lands at private lettings or sales, and to partition their lands and settle all litigations therefor," and found them correctly engrossed.

W. R. SAUNDERS, *Chairman*.

Mr. Hollister, of the committee to whom had been referred Bill

No. 224, "an act in relation to county maps," reported the same back and recommended its rejection.

Mr. Campbell, of the committee on public lands, reported Bill No. 241, "an act to provide for the selection of lands donated for agricultural colleges," reported the same without recommendation.

Mr. Rogers presented petition of Henry Hyatt and sixteen others, praying that school district boards, in districts lying in part in different counties, may be made a board of equalization.

Referred to committee on education.

The following communication was received from the Secretary of State, and referred to the committee on ways and means :

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }  
OFFICE OF SECRETARY OF STATE, }  
Topeka, Feb. 17th, 1863.

*Gentlemen of the House of Representatives :*

By reference to section 4, page 454, compiled laws of the State, you will discover that it is made the duty of the Secretary of State to procure seals for each of the several counties for the district courts thereof. The act giving this authority was approved April 24th, 1861. This duty devolved upon my predecessor in office, but the seals have not been procured, and I am in receipt of letters, almost daily, making inquiries in that direction.

From the best information I can procure, the seals referred to will cost, delivered here, almost ten dollars each. I would respectfully suggest that before I can procure them, it will be necessary for the Legislature to make appropriations for that purpose.

Very Respectfully,

W. W. H. LAWRENCE,

Secretary of State.

The following message from the Senate, received on a previous day was taken up :

MR. SPEAKER :—I am directed to notify the House that the Senate has passed Bills Nos. 120 and 3, with sundry amendments, in which your concurrence is desired.

The Senate has passed Bill No. 115 without amendment, and has adopted House Concurrent Resolution No. 13.

The Senate has appointed Messrs. Pierce, Spalding and Burnett a committee to confer with a committee on the part of the House,

in reference to Bill No. 34, "an act to regulate the interest on money."

JOHN FRANCIS, *Secretary*.

On motion of Mr. Russell, the House concurred in the Senate amendment to Bill No. 120.

By consent, Mr. Russell offered a resolution that five hundred copies of the Auditor's report be ordered to be printed by Trask & Lowman, at the rate for which they did similar work last year.

On motion of Mr. Russell, the rules were suspended and the resolution adopted.

Bill No. 3 was taken up.

Mr. Glick moved that the House concur in Senate amendments thereto.

Upon which the ayes and noes were demanded and taken with the following result: Ayes 55. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Ford, Forman, Foster 40th district, Fullington, Glick, Gordon, Grover, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Underhill, Vaughn, Walker, Ward and Weisback.

And so the Senate amendment to Bill No. 3 were concurred in.

On motion of Mr. Douthitt, Bill No. 236 was ordered to be printed.

The following bills were introduced and read the first time:

By Mr. Tucker, Bill No. 249, "an act to amend the general tax law."

By Mr. Medill, Bill No. 252, "an act concerning county jails."

By Mr. Foster of Douglas, Bill No. 250, "an act to amend the common school law."

By Mr. Lattin, Bill No. 251, "an act supplemental to 'an act to incorporate the Leavenworth city railroad company.'"

Mr. Loy moved a resolution that the committee to whom was referred Bill No. 126, "an act relating to fences," be requested to report the same.

Mr. Gordon introduced Bill No. 258, "an act to establish a State road."

Mr. Emery introduced a resolution for the donation to the Twin Mound Library, of one copy each of the laws and journals of the State and Territory. Carried.

Concurrent Resolution No. 18 was taken up for further consideration.

During the pending thereof, a message was received from the Governor.

Mr. Russell moved that Concurrent Resolution No. 18 be laid over to come in its regular order to-morrow.

Upon which a call of the House was demanded.

By consent, Mr. Eskridge, of the committee on county seats and county lines, made the following report:

MR. SPEAKER:—Your committee on county seats and county lines have had under consideration Bill No. 62, "an act to provide for the permanent location of the county seat of Franklin county."

Also Bill No. 150, "an act to change the county lines of Jefferson, Leavenworth, Johnson, Douglas and Franklin counties."

Also Bill No. 178, "an act to remove the north county line of Allen county three miles north," and

Bill No. 182, "an act to declare the township line between township 23 and township 24 the county line between Anderson and Allen counties," and instruct me to report the same back to the House and recommend their rejection.

By consent, Mr. Forman made the following report:

MR. SPEAKER:—The committee on enrolled bills have examined Bill No. 115, entitled "an act to amend section 1st of 'an act to establish a ferry at the city of Topeka,'" and find the same correctly enrolled.

JOHN W. FORMAN, *Chairman*.

Mr. Lacock moved that further proceedings under the call of the House be dispensed with.



Upon which the ayes and noes were demanded and taken with the following result : Ayes 41. Noes 27.

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bradley, Broadhead, Brown 22d dist., Brown 54th dist., Campbell 33d dis., Campbell 55th dis., Clark, Cobb, Conrey, Dennison, Drake, Ellis, Emery, Ford, Forman, Foster 40th district, Griffith, Hanson, Hawkins, Hidden, Hiner, Hollinberg, Irwin, Johnson 1st district, Lacock, Means, McCartney, Mitchell, Page, Russell, Saunders, Sayer, Steel, Tucker, Underhill, Vaughn and Weisback.

Those voting in the negative were Messrs. Baker, Bottom, Bowman, Craft, Douthitt, Downing, Eskridge, Foster 30th district, Fullington, Glick, Gordon, Harrison, Hollister, Ide, Jackman, Johnston 70th district, Jones, Lee 17th district, Lee 19th district, Loy, Medill, Rogers, Snyder, Stratton, Walker, Ward and Williams.

And so the motion prevailed.

Mr. Brown 22d district, moved that the House adjourn.

Upon which the ayes and noes were demanded and taken with the following result : Ayes 35. Noes 34.

[Ayes and noes not furnished.—PRINTER.]

And so the motion prevailed, and the House adjourned.

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### AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

The Speaker appointed J. B. Oliver assistant enrolling clerk, who took the usual oath of office.

A message was received from the Senate.

The House then went into committee of the whole on Bill No. 228, providing for the issue of \$54,000 of bonds to fill the contract made last winter, and to legalize the sale made by R. S. Stevens of bonds heretofore issued.

The committee reported the bill back to the House and recommended its passage.

On motion of Mr. Russell, the rules were suspended and Bill No. 228 was ordered to be engrossed and put upon its third reading.

House Bill No. 228, "an act to provide for the issue and negotiation of the bonds of the State of Kansas, and to legalize the issue of and the sale of others already issued," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 52. Noes 9.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Broadhead, Brown 22d district, Campbell 33d district, Campbell 55th district, Clark, Craft, Dennison, Douthitt, Downing, Ellis, Ford, Foster 40th district, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Ide, Irwin, Johnson 1st district, Johnston 70th district, Jones, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Mitchell, Russell, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Bradley, Emery, Glick, Jackman, Lacock, Lattin, Miller, Page and Saunders.

So the bill passed.

The title was agreed to.

Mr. Glick moved that all the members within the House be considered within the bar of the House. Carried.

Mr. Saunders moved that the rules be suspended, and that bills be put upon their second reading.

Upon which the ayes and noes were demanded and taken with the following result: Ayes 32. Noes 33.

Those voting in the affirmative were Messrs. Alford, Beeson, Bradley, Broadhead, Brown 54th district, Campbell 55th district, Clark, Dennison, Emery, Ford, Foster 40th district, Griffith, Hanson, Hawkins, Hidden, Hiner, Hollinburg, Irwin, Jackman, Johnson 1st district, Lacock, Means, McCartney, Mitchell, Page, Russell, Saunders, Sayer, Steel, Underhill, Vaughn and Weisback.

Those voting in the negative were Messrs. Baker, Barrett, Bottom, Bowman, Brown 22d district, Campbell 33d district, Craft,

Douthitt, Downing, Ellis, Eskridge, Foster 30th district, Fullington, Glick, Gordon, Grover, Gwartney, Harrison, Hollister, Ide, Johnston 70th district, Jones, Lattin, Lee 17th district, Lee 19th district, Loy, Medill, Miller, Snyder, Stratton, Walker, Ward and Williams.

And so the motion was lost.

Mr. Eskridge, by consent, made the following reports :

MR. SPEAKER :—Your committee on county seats and county lines have had under consideration Bill No. 155, "an act to remove the county line now established between Osage and Shawnee counties three miles north," and instruct me to report the same back without recommendation.

C. V. ESKRIDGE, *Chairman.*

MR. SPEAKER :—Your committee on county seats and county lines have had under consideration Bill No. 154, "an act defining the south boundary line of Shawnee county," and have instructed me to report the same back without recommendation.

C. V. ESKRIDGE, *Chairman.*

House Concurrent Resolution No. 18 was taken up.

Mr. Brown of Leavenworth, moved that when the House adjourn it adjourn to 7 o'clock this evening, and that the business now before the House be made the special order for that hour. Carried.

Bill No. 242, "an act to change the location of the State road from Lawrence to Paola," was

Read the second time and referred to the committee on roads and highways.

House Bill No. 243, "an act for the temporary capitol," was

Read the second time and referred to the committee on public institutions.

House Bill No. 244, "an act to provide for the auditing and payment of outstanding territorial indebtedness," was

Read the second time and referred to the committee on ways and means.

House Bill No. 245, 'an act to amend 'an act defining the mode of laying out and establishing roads,' approved February 27th, 1860," was

Read second time and referred to the committee on judiciary.

House Bill No. 246, "an act entitled an act to establish separate schools in incorporated towns and cities for children of African descent," was

Read the second time and referred to a special committee, consisting of Messrs. Russell, Griffith, Ford, Bowman and Ide.

House Bill No. 247, "an act regulating the recording of deeds," was

Read second time and referred to the committee on judiciary.

House Bill No. 248, "an act to submit to the people the question of the sale of school lands," was

Read second time and referred to the committee on judiciary.

Mr. Forman made the following report :

MR. SPEAKER:—The committee on enrolled bills beg leave to report that Bill No. 115, entitled "an act to amend section 1 of 'an act to establish a ferry at the city of Topeka,'" was placed in the hands of the Governor for his consideration, on Wednesday, February 18th, 1863.

JOHN W. FORMAN, *Chairman.*

House Bill No. 107, "an act to authorize the guardian of Jacinth alias Charles Lecompte, to sell or lease the lands of said ward, and settle all litigation therefor," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows : Ayes 53. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bishop, Bowman, Broadhead, Campbell 33d district, Clark, Conrey, Craft, Dennison, Douthitt, Downing, Ellis, Emery, Ford, Forman, Fullington, Glick, Gordon, Griffith, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Irwin, Jackman, Johnson 1st district, Jones, Lacock, Lee 17th district, Lee 19th district, Loy, Means, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Weisback and Williams.

And so the bill passed.

The title was agreed to.

House Bill No. 33, entitled "an act supplemental to 'an act to provide for the assessment and collection of taxes,'" was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 54. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Broadhead, Brown 54th district, Campbell 83d district, Emery, Craft, Dennison, Douthitt, Downing, Ellis, Ford, Forman, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Jackman, Johnson 1st district, Jones, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill and Williams.

Voting in the negative was Mr. Mitchell.

And so the bill passed.

The title was agreed to.

On motion, the House adjourned until 7 o'clock this evening.

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#### EVENING SESSION.

SEVEN O'CLOCK P. M.

House called to order.

Speaker in the chair.

Mr. Forman made the following report:

MR. SPEAKER:—The committee on enrolled bills beg leave to report that they have examined House Bill No. 122, entitled "an act to locate the State university."

Also Bill No. 120, entitled "an act amendatory to an act entitled 'an act to incorporate the city of Iowa Point,' approved February 14th, 1857," and have found the same correctly enrolled.

JOHN W. FORMAN, *Chairman.*

House Concurrent Resolution No. 18 was taken up.

The question being on the adoption of the Resolution,

Mr. Lacock moved that the resolution be made the special order for to-morrow evening at 7 o'clock.

Upon which the ayes and noes were demanded and taken with the following result: Ayes 26. Noes 36.

Those voting in the affirmative were Messrs. Alford, Beeson, Bradley, Broadhead. Brown 54th district, Clark, Cobb, Emery, Ford, Foster 40th district, Griffith, Hawkins, Hidden, Hiner, Hollinburg, Irwin, Jackman, Johnson 70th district, Lacock, Means, McCartney, Mitchell, Page, Sayer, Steel and Vaughn.

Those voting in the negative were Messrs. Baker, Barrett, Bishop, Bottom, Bowman, Brown 22d district, Campbell 33d district, Campbell 55th district, Conrey, Craft, Denmison, Downing, Drake, Forman, Foster 30th district, Fullington, Glick, Gordon, Gwartney, Harrison, Hollister, Ide, Jones, Lattin, Lee 17th district, Lee 19th district, Loy, Medill, Miller, Russell, Saunders, Snyder, Stratton Tucker, Walker and Williams.

So the motion was lost.

Mr. Glick moved that the House adjourn.

Mr. Means moved to amend that the House adjourn to meet tomorrow morning at 9 o'clock. Lost.

The motion to adjourn prevailed.

THURSDAY, Feb. 19, 1863, 10 o'clock, A. M.

House called to order.

Speaker in the Chair.

Roll called. Quorum present.

Absentees—Messrs. Brown 22d district, Brown 51th district, Downing, Foster 40th district, Glick, Grover, Lattin, McCartney, Medill, Rogers, Russell and Ward.

Prayer by the Rev. Mr. Preston.

Journal of yesterday was read, corrected and approved

Mr. Walker presented the petition of E. Clark and others, praying for a change in the west boundary line of Leavenworth county,

Referred to a committee consisting of Messrs. Lee of Jefferson, Walker and Vaughn.

Mr. Saunders, of the committee on engrossed bills, reported that the committee have examined House Bill No. 99, "an act to amend an act entitled 'an act for the regulation and support of common schools, and found the same correctly engrossed.

Mr. Forman, of the committee on enrolled bills, reported that the committee beg leave to report that Bill No. 122, entitled "an act to locate the State University."

And Bill No. 120, "an act amendatory to an act entitled 'an act to incorporate the city of Iowa point,' approved Feb. 14, 1863, were placed in the hands of the Governor for his consideration, on Wednesday Feb. 18, 1863.

Mr. Medill, of the committee on agriculture, reported Bill No. 187, "an act for a geological survey of the State."

Also, Bill No. 132, "an act relating to enclosures," without recommendation.

Also, Bill No. 126, "an act relating to fetters," and recommended its passage.

Mr. Russell, of the committee on ways and means, reported Bill No. 244, "an act providing for the auditing and payment of out-

standing Territorial indebtedness," and recommended that it be printed.

Mr. Russell, of the special committee, to whom was referred Bill No. 246, "an act to establish separate schools in cities and towns for colored children," reported the same back, and recommended its passage.

Mr. Forman, of the select committee, to whom was referred Bill No. 231, relating to the change of the west line of Nemaha county, reported the same back, and recommended its rejection.

The following message from the Governor, on a previous day, was taken up :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 17, 1863. }

*To the House of Representatives :*

I have this day approved Joint Resolution No. 8, memorializing Congress to make provisions for bridging and improving the military road from Fort Leavenworth via Fort Riley, to Fort Larned.

I also enclose herewith, a series of Joint Resolutions adopted by the general assembly of the State of Delaware, denouncing the alleged arbitrary arrests made by authority of the Federal Government, proposing a cessation of hostilities for the purpose of negotiating a peace with the revolted States, and stigmatizing the action of the Federal Administration, as a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States.

Respectfully,

THOMAS CARNEY.

The following Joint Resolution, accompanying the message, was referred to the committee on federal relations. See resolutions.

The following message received from the Senate on a previous day, was taken up :

MR. SPEAKER :—I am directed to notify the House that the Senate has passed Bill No. 122, "an act to locate the State University," without amendments.

The Senate still adheres to its amendments to Bill No. 82, "an act to amend 'an act to provide for State printing,'" passed May 1861.

JOHN FRANCIS, *Secretary.*



Mr. Russell moved that a committee of conference on Bill No. 82, be appointed. Carried.

The chair appointed Messrs. Russell, Emery, Griffith, Miller and Craft, a committee of conference on Bill No. 82, "an act to amend 'an act to provide for State printing,'" passed May, 1861.

Mr. Ide offered concurrent resolution No. 20, which was adopted.

Mr. Means offered the following resolution :

*Resolved*, That the morning session hereafter begin at nine o'clock A. M.

Mr. Russell moved to lay the resolution on the table. Lost.

Mr. Jackman moved that the rules be suspended, and the resolution considered. Lost.

The resolutions laid over under the rules.

Mr. Tucker offered a resolution that the House hereafter hold evening sessions, commencing at seven o'clock, laid over under the rules.

By consent Mr. Lattin made the following report :

MR. SPEAKER :—Your committee to whom was referred Bill No. 220, entitled "an act to establish a ferry across the Kansas river," have instructed me to recommend its passage.

Also Bill No. 223, entitled "an act to provide for the incorporation of fire, marine and life insurance companies, have instructed me to recommend that it be printed.

Mr. Emery moved that the rules be suspended, and the House proceed with bills on second and third reading, and then return to the regular order. Carried.

Bill No. 249, was

Read the second time and referred to the committee on ways and means.

Bill No. 250, was

Read second time and referred to the committee on education.

Bill No. 251, was

Read second time and referred to the committee on rail roads.

Bill No. 252, was

Read the second time and referred to a special committee, consisting of Messrs Medill, Lee and Mitchell.

Bill No. 258, was

Read the second time and referred to a special committee consisting of Messrs. Downing, Gordon and Johnston 70th district.

Bill No. 99, "an act to amend an act, entitled 'an act for the regulation and support of common schools,' " was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 43. Noes 24.

Those voting in the affirmative were Messrs. Alford, Baker, Bishop, Bottom, Bowman, Bradley, Breadhead, Campbell 33d district, Cobb, Craft, Emery, Dennison, Douthitt, Downing, Ellis, Conrey, Eskridge, Ford, Foster 40th district, Fullington, Glick, Gordon, Gwartney, Hanson, Hawkins, Hiner, Ide, Jackman, Johnston 70th district, Lee 17th district, Lee 19th district, Loy, Means, Miller, Mitchell, Page, Rogers, Saunders, Sayer, Steel, Tucker, Vaughn and Williams.

Those voting in the negative were Messrs. Barrett, Brown 22d district, Brown 54th district, Campbell 55th district, Clark, Drake, Forman, Foster 30th district, Grover, Hidden, Hollinberg, Hollister, Irwin, Johnson 1st district, Jones, Kinner, Lacock, Lattin, McCartney, Medill, Snyder, Underhill and Walker.

And so the bill passed.

The title was agreed to.

Bill No. 41, "an act to amend an act entitled 'an act to prevent the firing of woods, prairies and Marshes,' approved Feb. 16, 1860," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 45. Noes 17.

Those voting in the affirmative were Messrs. Baker, Barrett, Bowman, Broadhead, Brown 22d district, Campbell 33d district, Clark, Conrey, Craft, Dennison, Douthitt, Drake, Emery, Eskridge, Ford, Foster 40th district, Fullington, Glick, Gordon, Griffith, Hanson, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Johnson 1st district, Lacock, Jones, Lee 17th district, Lee 19th district, Means, McCartney, Miller, Mitchell, Rogers, Saunders, Sayer, Snyder, Steel, Tucker, Underhill, Weisback and Williams.

Those voting in the negative were Messrs. Alford, Bishop, Bottom, Bradley, Brown 54th district, Campbell 55th district, Downing, Ellis, Foster 30th district, Harrison, Hawkins, Jackman, Johnston 70th district, Lattin, Loy Medill, Walker and Ward.

And so the bill passed.

The title was agreed to.

Bill No. 158, "an act relating to unorganized counties while they remain attached to an organized county for judicial purposes," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 61. Noes 4.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Conrey, Craft, Dennison, Drake, Downing, Ellis, Emery, Eskridge, Ford, Foster 30th district, Foster 40th district, Glick, Gordon, Griffith, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kiner, Lacock, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Rogers, Saunders, Sayer, Snyder, Steel, Tucker, Underhill, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Douthitt, Fullington, Lattin and Page.

So the bill passed.

The title was agreed to.

Bill No. 160, "an act amendatory to an act entitled 'an act relating to township officers,' approved Feb. 27, 1860," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 65. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bishop, Bowman, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Drake,

House Bill No. 246, "an act entitled an act to establish separate schools in incorporated towns and cities for children of African descent," was

Read the second time and referred to a special committee, consisting of Messrs. Russell, Griffith, Ford, Bowman and Ide.

House Bill No. 247, "an act regulating the recording of deeds," was

Read second time and referred to the committee on judiciary.

House Bill No. 248, "an act to submit to the people the question of the sale of school lands," was

Read second time and referred to the committee on judiciary.

Mr. Forman made the following report :

MR. SPEAKER:—The committee on enrolled bills beg leave to report that Bill No. 115, entitled "an act to amend section 1 of 'an act to establish a ferry at the city of Topeka,'" was placed in the hands of the Governor for his consideration, on Wednesday, February 18th, 1863.

JOHN W. FORMAN, *Chairman.*

House Bill No. 107, "an act to authorize the guardian of Jacinth alias Charles Lecompte, to sell or lease the lands of said ward, and settle all litigation therefor," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows : Ayes 58. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bishop, Bowman, Broadhead, Campbell 38d district, Clark, Conrey, Craft, Dennison, Douthitt, Downing, Ellis, Emery, Ford, Forman, Fullington, Glick, Gordon, Griffith, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Irwin, Jackman, Johnson 1st district, Jones, Lacock, Lee 17th district, Lee 19th district, Loy, Means, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker, Weisback and Williams.

And so the bill passed.

~~The title~~ was agreed to.

House Bill No. 33, entitled "an act supplemental to 'an act to provide for the assessment and collection of taxes,'" was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 54. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Broadhead, Brown 54th district, Campbell 38d district, Emery, Craft, Dennison, Douthitt, Downing, Ellis, Ford, Forman, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Jackman, Johnson 1st district, Jones, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill and Williams.

Voting in the negative was Mr. Mitchell.

And so the bill passed.

The title was agreed to.

On motion, the House adjourned until 7 o'clock this evening.

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#### EVENING SESSION.

SEVEN O'CLOCK P. M.

House called to order.

Speaker in the chair.

Mr. Forman made the following report:

MR. SPEAKER:—The committee on enrolled bills beg leave to report that they have examined House Bill No. 122, entitled "an act to locate the State university."

Also Bill No. 120, entitled "an act amendatory to an act entitled 'an act to incorporate the city of Iowa Point,' approved February 14th, 1857," and have found the same correctly enrolled.

JOHN W. FORMAN, *Chairman*.

House Concurrent Resolution No. 18 was taken up.

The question being on the adoption of the Resolution,

Mr. Lacock moved that the resolution be made the special order for to-morrow evening at 7 o'clock.

Upon which the ayes and noes were demanded and taken with the following result: Ayes 26. Noes 36.

Those voting in the affirmative were Messrs. Alford, Beeson, Bradley, Broadhead. Brown 54th district, Clark, Cobb, Emery, Ford, Foster 40th district, Griffith, Hawkins, Hidden, Hiner, Hollinburg, Irwin, Jackman, Johnson 70th district, Lacock, Means, McCartney, Mitchell, Page, Sayer, Steel and Vaughn.

Those voting in the negative were Messrs. Baker, Barrett, Bishop, Bottom, Bowman, Brown 22d district, Campbell 33d district, Campbell 55th district, Conrey, Craft, Denmison, Downing, Drake, Forman, Foster 30th district, Fullington, Glick, Gordon, Gwartney, Harrison, Hollister, Ide, Jones, Lattin, Lee 17th district, Lee 19th district, Loy, Medill, Miller, Russell, Saunders, Snyder, Stratton Tucker, Walker and Williams.

So the motion was lost.

Mr. Glick moved that the House adjourn.

Mr. Means moved to amend that the House adjourn to meet tomorrow morning at 9 o'clock. Lost.

The motion to adjourn prevailed.

THURSDAY, Feb. 19, 1863, 10 o'clock, A. M.

House called to order.

Speaker in the Chair.

Roll called. Quorum present.

Absentees—Messrs. Brown 22d district, Brown 54th district, Downing, Foster 40th district, Glick, Grover, Lattin, McCartney, Medill, Rogers, Russell and Ward.

Prayer by the Rev. Mr. Preston.

Journal of yesterday was read, corrected and approved

Mr. Walker presented the petition of E. Clark and others, praying for a change in the west boundary line of Leavenworth county,

Referred to a committee consisting of Messrs. Lee of Jefferson, Walker and Vaughn.

Mr. Saunders, of the committee on engrossed bills, reported that the committee have examined House Bill No. 99, "an act to amend an act entitled 'an act for the regulation and support of common schools, and found the same correctly engrossed.

Mr. Forman, of the committee on enrolled bills, reported that the committee beg leave to report that Bill No. 122, entitled "an act to locate the State University."

And Bill No. 120, "an act amendatory to an act entitled 'an act to incorporate the city of Iowa point,' approved Feb. 14, 1863, were placed in the hands of the Governor for his consideration, on Wednesday Feb. 18, 1863.

Mr. Medill, of the committee on agriculture, reported Bill No. 187, "an act for a geological survey of the State."

Also, Bill No. 182, "an act relating to enclosures," without recommendation.

Also, Bill No. 126, "an act relating to fences," and recommended its passage.

Mr. Russell, of the committee on ways and means, reported Bill No. 244, "an act providing for the auditing and payment of out-

FRIDAY, February 20, 1863, 10 o'clock A. M

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Brown 54th district, Drake, Ford, Glick, Griffith, Gwartney, Ide, Lee and Russell.

Journal of yesterday read and approved.

Mr. Medill, of the committee on agriculture, reported Bill No. 252, "an act concerning county jails," and recommended its passage.

Mr. Miller, of the committee on public institutions, reported Bill No. 256, "an act to locate the deaf and dumb asylum at Loroy," without recommendation.

Also Bill No. 255, "an act to locate, establish and endow a normal school at Emporia," and recommended its passage.

The resolution offered yesterday by Mr. Beeson, relative to the 500,000 acres of land, donated by the act of 1841, and instructing the committee on ways and means to prepare a bill providing for its distribution to the several counties for internal improvements, was taken up and adopted.

On motion of Mr. Lacock, one hundred and fifty copies of the Attorney General's opinion on the subject of the 500,000 of land for internal improvement, was ordered to be printed.

The following resolution, offered yesterday, was taken up :

*Resolved*, That hereafter the morning session commence at 9 o'clock A. M.

Mr. Emery moved to amend by adding the words "and that evening sessions be held, commencing at 7½ o'clock P. M.

Mr. Russell moved to amend by inserting in the place of the word "hereafter," the words "after this week."

The amendments were carried, and the original resolution adopted as amended.

Mr. Alford introduced Bill No. 260, "an act locating, establishing



and providing for the operation of free ferries across the Kansas river."

Read the first time.

The following bills were introduced :

By Mr. Vaughn, Bill No. 261, "an act to locate the deaf and dumb institute of the State of Kansas at Baldwin City in Douglas county."

The House then went into committee of the whole.

Mr. Foster of Leavenworth, in the chair.

The speaker then resumed his seat, when the following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 20, 1868. }

*To the House of Representatives :*

I have this day approved Bill No. 3, "an act to regulate the agencies of insurance companies not incorporated by the State of Kansas."

Also, Bill No. 120, "an act amendatory to an act entitled 'an act to incorporate the city of Iowa Point,' approved February 14, A. D. 1857."

Also Bill No. 122, "an act to locate the State University."

Respectfully,

THOMAS CARNEY.

After some time spent therein, the committee arose, and reported Bill No. 26, "an act providing for the permanent location of the county seat of Bourbon county."

Also, Bill No. 52, "an act to provide for the permanent location of the county seat of Franklin county."

Also, Bill No. 173, "an act entitled an act to remove the county line of Allen county three miles north."

Also, Bill No. 182, "an act to declare the township line between township 23 and township 24, the county line between Allen and Bourbon counties," and recommended that it be stricken from the calendar.

Also, Bills Nos. 40 and 150, reported progress on same, and asked leave to sit again.

Also Bill No. 162, "an act to confer legal legislation on county commissioners," with sundry amendments, and recommended its passage.

Mr. Griffith moved to strike out the provisions of Bill No. 162, levying a tax upon dogs, upon which the the ayes and noes were demanded and taken, with the following result: Ayes 44. Noes 20.

Those voting in the affirmative were Messrs. Alford, Beeson, Bishop, Bradley, Broadhead, Brown 54th district Campbell 55th district, Campbell 33d district, Clark, Cobb, Conrey, Craft, Douthitt, Ellis, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Harrison, Hawkins, Hidden, Hollenburg, Hollister, Irwin, Kinser, Lacock, Lattin, Loy, Means, Miller, Mitchell, Page, Rogers, Russell, Saunders, Steel, Stratton, Tucker, Underhill, Ward and Williams.

Those voting in the negative were Messrs. Baker, Barrett, Bottom, Bowman, Brown 22d district, Dennison, Downing, Eskridge, Hiner, Ide, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lee 17th district, McCartney, Medill, Sayer, Snyder and Weisback.

And so the motion prevailed.

Mr. Mitchell offered an additional section in committee of the whole, that all acts and parts of acts inconsistent with this act are hereby repealed. Lost.

Bill No. 162, was ordered to be engrossed for a third reading.

The House then went into committee of the whole.

Mr. Griffith in the chair.

After some time spent therein, the committee arose and reported back Bill No. 135, "an act to change the location of the State road from Fort Scott to Fort Leavenworth," and recommended its rejection.

Also reported progress on Bills Nos. 123, 166 and 169, and House Joint Resolution No. 5, and asked leave to sit again.

The report of the committee was agreed to.

Mr. Miller, from the committee on public buildings, reported Bill No. 243, "an act for the erection of a temporary capitol," and recommended its rejection.

Also Bill No. 227, "an act providing for the erection of a State capitol, and making appropriations therefor," with amendments, and recommended its passage.

On motion, the House adjourned.

AFTERNOON SESSION.

Two o'clock P. M.

House called to order.

Speaker in the chair.

On motion of Mr. Griffith, Bill No. 62 was restored to the calendar.

Mr. Foster of Leavenworth, introduced Bill No. 262, "an act to vacate the streets of a portion of the town of Delaware," which was

Read the first time.

The House resolved itself into committee of the whole for the consideration of unfinished business, being House Joint Resolution No. 5, and Bills Nos. 166, 128 and 169.

Mr. Griffith in the chair.

The speaker resumed his seat, when a message from the Senate was received.

After some time spent therein, the committee arose, and reported House Joint Resolution No. 5, which provides for holding biennial, instead of annual sessions of the legislature, and recommended its passage.

Also Bill No. 123, "an act amending the general law," and recommended the enacting clause be stricken out.

Also Bill No. 166, "an act providing for service upon corporations," and recommended its passage.

Also Bill No. 169, "an act to amend the act respecting executors and administrators," with the enacting clause stricken out.

The report of the committee of the whole was agreed to.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to notify the House that the Senate has passed the following bills with sundry amendments, in which your concurrence is respectfully desired:

Bill No. 17, "an act to authorize school districts No. 1 and 22 in Lyon county to issue bonds."

Bill No. 42, "an act to fund the Territorial debt."

Bill No. 184, "an act to require certain counties to collect and pay over delinquent Territorial taxes."

I am also directed to notify the House that the Senate has appointed Messrs. Fishback, Miller and Sherry a committee to confer with a committee on the part of the House, in reference to Bill No. 82, "an act to amend 'an act to provide for State printing,' " passed May 1861.

JOHN FRANCIS, *Secretary.*

The House concurred in Senate amendments to Bill No. 17.

Mr. Russell moved that the House concur in Senate amendments to Bill No. 42.

Upon which the ayes and noes were demanded and taken with the following result: Ayes 38. Nces 18.

Those voting in the affirmative were Messrs. Baker, Beeson, Bottom, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Conrey, Craft, Ellis, Emery, Ford, Forman, Fullington, Gordon, Griffith, Grover, Hawkins, Hiner, Hollister, Ide, Johnston 70th district, Jones, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Rogers, Russell, Snyder, Steel, Stratton, Tucker, Vaughn and Ward.

Those voting in the negative were Messrs. Alford, Bishop, Broadhead, Dennison, Douthitt, Downing, Hidden, Hollinburg, Irwin, Jackman, Johnson 1st district, Lacock, Lattin, Mitchell, Page, Saunders, Sayer and Underhill.

So the House concurred in Senate amendments to Bill No. 42.

Upon a motion to concur in Senate amendments to Bill No. 184.

The ayes and noes were demanded and taken with the following result: Ayes 51. Nocs 4.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Brown 22d district, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Conrey, Craft, Dennison, Douthitt, Downing, Ellis, Emery, Ford, Forman, Fullington, Gordon, Griffith, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Page, Rogers, Russell,

Saunders, Sayer, Snyder, Stratton, Tucker, Underhill, Vaughn and Ward.

Those voting in the negative were Messrs. Grover, Medill, Miller and Steel.

So the House concurred in Senate amendment to Bill No. 184.

Mr. D. F. Drinkwater was appointed by the speaker and sworn in as assistant enrolling clerk.

The House then went again into committee of the whole.

Mr. Jackman in the chair.

After some time spent therein, the committee arose, and reported back Bill No. 174, "an act providing for recording marks and brands."

Also Bill No. 172, "an act declaring certain roads State roads," and recommended their passage."

And reported back Bill No. 175, "an act amending the exemption law," and recommended its rejection.

Also Bill No. 186, "an act authorizing the Secretary of State to make a certain contract," and recommended that it be made the special order for 2 o'clock on Monday next.

The report of the committee was agreed to.

Bills reported favorably, were ordered to be engrossed for a third reading.

Bill No. 2, "an act relating to the general incorporation act" which has passed the House, and had been ordered to be engrossed in the Senate, but which had been mislaid, was, on motion of Mr. Glick, taken up and

Read the first time.

On motion, the rules were suspended, and House Bill No. 2, was Read the second time.

On motion of Mr. Glick, the rules were suspended, and Bill No. 2, was considered engrossed, and

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 41. Noes 15.

Those voting in the affirmative were Messrs. Baker, Barrett, Bottom, Bradley, Broadhead, Brown 22d dist., Brown 54th district, Campbell 88d district, Campbell 55th district, Clark, Cobb, Conrey,

Douthitt, Downing, Drake, Eskridge, Ford, Forman, Foster 40th district, Fullington, Glick, Hanson, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Jones, Lacock, Lee 17th district, Lee 19th district, Means, Miller, Page, Russell, Sayer, Snyder, Steel, Underhill, Vaughn and Ward.

Those voting in the negative were Messrs. Alford, Bishop, Craft, Dennison, Gordon, Griffith, Gwartney, Johnson 1st district, Lattin, Loy, Medill, Rogers, Saunders, Tucker, and Williams.

And so the bill passed.

The title was agreed to.

Mr. Forman made the following report :

Mr. SPEAKER:—The committee on enrolled bills beg leave to report House Bill No. 164, entitled "an act to authorize a certain agent and provide for his payment," has been examined and found correctly enrolled, and placed in the hands of the Governor for his consideration, on Friday, Feb. 20, 1863.

JOHN W. FORMAN, *Chairman.*

By consent, Mr. Ford introduced House Bill No. 263, entitled "an act to change the location of a certain State road," which was  
Read the first time.

On motion, the rules were suspended, and House Bill No. 263, was

Read the second time and referred to a special committee consisting of Messrs. Ford, Medill, Williams, Dennison and Broadhead.

Mr. Eskridge offered a resolution which was adopted, for the appointment of a committee to act with a similar committee on the part of the Senate, to confer with R. S. Stevens to arrange matters of difference now existing between the State and said Stevens, and to consult with the Governor in relation thereto.

The speaker appointed as such committee on the part of the House, Messrs. Eskridge, Griffith and Ide.

On motion, the House adjourned.

SATURDAY, February 21, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Prayer by the Rev. Mr. McVicar.

The journal of yesterday read and approved.

Mr. Saunders, of the committee on engrossed bills, reported they had examined House Bill No. 162, "an act to confer local legislation on boards of county commissioners."

Also Bill No. 166, "an act providing for service of proceeds on corporations.

Also Bill No. 172, "an act to declare certain roads State roads.

Also House Joint Resolution No. 5, to amend section 25, article 2 of the Constitution, and found the same correctly engrossed.

W. R. SAUNDERS, *Chairman*.

Mr. Lee of Jefferson, presented the petition of Robert Sterling and others, praying for declaring a certain road a State road.

Referred to the committee on roads and highways.

The following bills were introduced and read the first time.

By Mr. Means, Bill No. 26, "an act relating to counties and county officers."

By Mr. Stratton, Bill No. 265, "an act to locate a certain State road.

Read the first and second time.

By Mr. Emery, Bill No. 266, "an act to amend the charter of the Lawrence bridge company."

The following bills were read the second time :

Bill No. 260, "an act locating and establishing and providing for free ferries across the Kansas river," was

Read the second time and referred to the committee on internal improvements.

Bill No. 261, "an act to locate the deaf and dumb institute of the State of Kansas," was

Read the second time and referred to the committee on public institutions.

Bill No. 262, "an act to vacate the streets, alleys, parks and public grounds, of a portion of the town of Delaware," was

Read the second time and placed on calendar without reference.

Bill No. 162, "an act to confer local legislation on county commissioners," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 38. Noes 24.

Those voting in the affirmative were Messrs. Baker, Bishop, Bottom, Bowman, Bradley, Brown 54th district, Campbell 33d district, Cobb, Douthitt, Drake, Ellis, Emery, Foster 40th district, Glick, Gordon, Griffith, Grover, Hanson, Harrison, Hiner, Hollinburg, Jackman, Lattin, Lee 17th district, Loy, Means, Medill, Miller, Russell, Saunders, Sayer, Snyder, Stratton, Vaughn, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Alford, Barrett, Brown 22d district, Conrey, Dennison, Downing, Ford, Forman, Foster 30th district, Fullington, Gwartney, Hawkins, Hidden, Hollister, Ide, Irwin, Johnston 70th district, Jones, Lacock, McCartney, Page, Steel, Tucker and Underhill.

So the bill passed.

The title was agreed to.

House Joint Resolution No. 5, to amend section 5 of article 2 of the Constitution, was

Read the third time.

A call of the House was demanded.

During the call, Mr. Douthitt, from the committee on rail roads, by consent, reported Bill No. 217, "an act to amend the charter of the Topeka and Southern Kansas rail road company," with the recommendation that it pass.

Also Bill No. 251, "an act to incorporate the Leavenworth city rail road company," and recommended its rejection.



Also Bill No. 257, "an act to aid in the construction of a rail road and telegraph line from the Missouri river to the Pacific ocean," without recommendation.

Mr. Ford, from a special committee, reported Bill No. 263, "an act relating to a certain road," and recommended its passage.

Mr. Foster moved that further proceedings under the call of the House be dispensed with. Carried.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 43. Noes 23.

Those voting in the affirmative were Messrs. Baker, Beeson, Barrett, Bishop, Bottom, Broadhead, Brown 22d district, Brown 54th district, Conrey, Craft, Dennison, Downing, Ellis, Emery, Foster 30th district, Foster 40th district, Gordon, Griffith, Hanson, Hidden, Hiner, Hollinburg, Hollister, Ide, Jackman, Johnson 1st district, Jones, Loy, Means, McCartney, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Ward and Weisback.

Those voting in the negative were Messrs. Alford, Bowman, Campbell 33d district, Campbell 55th district, Clark, Cobb, Douthitt, Drake, Ford, Forman, Fullington, Grover, Gwartney, Harrison, Hawkins, Irwin, Johnston 70th district, Lacock, Lattin, Lee 17th district, Lee 19th district, Medill and Williams.

So the resolution was lost. A vote of two-thirds of all the members elected being required for its passage.

On motion of Mr. Saunders, the vote was reconsidered, and the resolution was made to stand in the calendar for third reading on Tuesday next.

Bill No. 166, "an act providing for service of process upon corporations," was then taken up and

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 65. Noes 3.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Barrett, Bottom, Bowman, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Forman, Foster 30th district, Foster

40th district, Fullington, Glick, Griffith, Grover, Gwartney, Hamson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Ide, Jackman, Johnson 1st district, Jones, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Page, Russell, Rogers, Saunders, Sayer, Snyder, Steel, Tucker, Underhill, Vaughn, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Emery, Gordon and Johnston 70th district.

And so the bill passed.

The title was agreed to.

Bill No. 172, "an act declaring certain roads in Miami county State roads," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 59. Noes 2.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bowman, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Clark, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Hanson, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Irwin, Johnson 1st district, Johnston 70th district, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Means, Medill, McCartney, Miller, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Tucker, Underhill, Vaughn, Ward Weisback and Williams.

Those voting in the negative were Messrs. Cobb and Jackman.

And so the bill passed.

The title was agreed to.

The House then went into committee of the whole

Mr. Jackman in the chair.

Bill No. 193 being the general bill, was then taken up and discussed at length, and amended in various particulars, when the committee arose, progress was reported and leave asked to sit again.

Mr. Forman, from the committee on enrolled bills, reported that Bill No. 16, "an act providing for the erection of a penitentiary, had been placed in the hands of the Governor for his consideration.

## AFTERNOON SESSION.

TWO O'CLOCK P. M.

House called to order.

Speaker in the chair.

Mr. Bottom moved that the House go into committee of the whole, for the consideration of special order for two o'clock, being Bills Nos. 9 and 218.

Mr. Eskridge moved to amend by adding Bill No. 255. Lost.

Mr. Saunders moved to amend by adding Bill No. 256. Lost.

Mr. Page in the chair.

After some time spent therein, the committee arose, and through their chairman reported back to the House Bill No. 9, and recommended its passage as amended.

Also Bill No. 218, and recommended that it be stricken out of the calendar.

The report of the committee of the whole was agreed to.

Mr. Douthitt moved to amend as follows: in 4th section, 2d line, strike out "from Osawattomie" to ten inclusive, and insert "Topeka to Waship" in the county of Shawnee, and for that purpose they shall select a tract of land not less than twenty.

Upon which the ayes and noes were demanded and taken with the following result: Ayes 20. Noes 46.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bishop, Bowman, Campbell 55th district, Douthitt, Downing, Drake, Gordon, Hanson, Harrison, Hollister, Johnston 70th district, Lee 17th district, Lee 19th district, Miller, Page, Rogers and Ward.

Those voting in the negative were Messrs. Beeson, Bottom, Bradley, Broadhead, Brown 54th district, Campbell 88d district, Clark, Cobb, Conrey, Craft, Dennison, Ellis, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Griffith, Gwartney, Hawkins, Hidden, Hiner, Hollin-

Bill No. 42, "an act to fund the Territorial debt."

Bill No. 184, "an act to require certain counties to collect and pay over delinquent Territorial taxes."

I am also directed to notify the House that the Senate has appointed Messrs. Fishback, Miller and Sherry a committee to confer with a committee on the part of the House, in reference to Bill No. 82, "an act to amend 'an act to provide for State printing,'" passed May 1861.

JOHN FRANCIS, *Secretary*.

The House concurred in Senate amendments to Bill No. 17.

Mr. Russell moved that the House concur in Senate amendments to Bill No. 42.

Upon which the ayes and noes were demanded and taken with the following result: Ayes 38. Nces 18.

Those voting in the affirmative were Messrs. Baker, Beeson, Bottom, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Conrey, Craft, Ellis, Emery, Ford, Forman, Fullington, Gordon, Griffith, Grover, Hawkins, Hiner, Hollister, Ide, Johnston 70th district, Jones, Lee 17th district, Loy, Means, McCartney, Medill, Miller, Rogers, Russell, Snyder, Steel, Stratton, Tucker, Vaughn and Ward.

Those voting in the negative were Messrs. Alford, Bishop, Broadhead, Dennison, Douthitt, Downing, Hidden, Hollinburg, Irwin, Jackman, Johnson 1st district, Lacock, Lattin, Mitchell, Page, Saunders, Sayer and Underhill.

So the House concurred in Senate amendments to Bill No. 42.

Upon a motion to concur in Senate amendments to Bill No. 184.

The ayes and noes were demanded and taken with the following result: Ayes 51. Nocs 4.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Brown 22d district, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Conrey, Craft, Dennison, Douthitt, Downing, Ellis, Emery, Ford, Forman, Fullington, Gordon, Griffith, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Page, Rogers, Russell,

Saunders, Sayer, Snyder, Stratton, Tucker, Underhill, Vaughn and Ward.

Those voting in the negative were Messrs. Grover, Medill, Miller and Steel.

So the House concurred in Senate amendment to Bill No. 184.

Mr. D. F. Drinkwater was appointed by the speaker and sworn in as assistant enrolling clerk.

The House then went again into committee of the whole.

Mr. Jackman in the chair.

After some time spent therein, the committee arose, and reported back Bill No. 174, "an act providing for recording marks and brands."

Also Bill No. 172, "an act declaring certain roads State roads," and recommended their passage."

And reported back Bill No. 175, "an act amending the exemption law," and recommended its rejection.

Also Bill No. 186, "an act authorizing the Secretary of State to make a certain contract," and recommended that it be made the special order for 2 o'clock on Monday next.

The report of the committee was agreed to.

Bills reported favorably, were ordered to be engrossed for a third reading.

Bill No. 2, "an act relating to the general incorporation act" which has passed the House, and had been ordered to be engrossed in the Senate, but which had been mislaid, was, on motion of Mr. Glick, taken up and

Read the first time.

On motion, the rules were suspended, and House Bill No. 2, was Read the second time.

On motion of Mr. Glick, the rules were suspended, and Bill No. 2, was considered engrossed, and

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 41. Noes 15.

Those voting in the affirmative were Messrs. Baker, Barrett, Bottom, Bradley, Broadhead, Brown 22d dist., Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey,

Douthitt, Downing, Drake, Eskridge, Ford, Forman, Foster 40th district, Fullington, Glick, Hanson, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Jones, Lacock, Lee 17th district, Lee 19th district, Means, Miller, Page, Russell, Sayer, Snyder, Steel, Underhill, Vaughn and Ward.

Those voting in the negative were Messrs. Alford, Bishop, Craft, Dennison, Gordon, Griffith, Gwartney, Johnson 1st district, Lattin, Loy, Medill, Rogers, Saunders, Tucker, and Williams.

And so the bill passed.

The title was agreed to.

Mr. Forman made the following report :

Mr. SPEAKER:—The committee on enrolled bills beg leave to report House Bill No. 164, entitled "an act to authorize a certain agent and provide for his payment," has been examined and found correctly enrolled, and placed in the hands of the Governor for his consideration, on Friday, Feb. 20, 1863.

JOHN W. FORMAN, *Chairman.*

By consent, Mr. Ford introduced House Bill No. 263, entitled "an act to change the location of a certain State road," which was  
Read the first time.

On motion, the rules were suspended, and House Bill No. 263,  
was

Read the second time and referred to a special committee consisting of Messrs. Ford, Medill, Williams, Dennison and Broadhead.

Mr. Eskridge offered a resolution which was adopted, for the appointment of a committee to act with a similar committee on the part of the Senate, to confer with R. S. Stevens to arrange matters of difference now existing between the State and said Stevens, and to consult with the Governor in relation thereto.

The speaker appointed as such committee on the part of the House, Messrs. Eskridge, Griffith and Ide.

On motion, the House adjourned.

SATURDAY, February 21, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Prayer by the Rev. Mr. McVicar.

The journal of yesterday read and approved.

Mr. Saunders, of the committee on engrossed bills, reported they had examined House Bill No. 162, "an act to confer local legislation on boards of county commissioners."

Also Bill No. 166, "an act providing for service of proceeds on corporations.

Also Bill No. 172, "an act to declare certain roads State roads.

Also House Joint Resolution No. 5, to amend section 25, article 2 of the Constitution, and found the same correctly engrossed.

W. R. SAUNDERS, *Chairman*.

Mr. Lee of Jefferson, presented the petition of Robert Sterling and others, praying for declaring a certain road a State road.

Referred to the committee on roads and highways.

The following bills were introduced and read the first time.

By Mr. Means, Bill No. 26, "an act relating to counties and county officers."

By Mr. Stratton, Bill No. 265, "an act to locate a certain State road.

Read the first and second time.

By Mr. Emery, Bill No. 266, "an act to amend the charter of the Lawrence bridge company."

The following bills were read the second time :

Bill No. 260, "an act locating and establishing and providing for free ferries across the Kansas river," was

Read the second time and referred to the committee on internal improvements.

Bill No. 261, "an act to locate the deaf and dumb institute of the State of Kansas," was

Read the second time and referred to the committee on public institutions.

Bill No. 262, "an act to vacate the streets, alleys, parks and public grounds, of a portion of the town of Delaware," was

Read the second time and placed on calendar without reference.

Bill No. 162, "an act to confer local legislation on county commissioners," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 38. Noes 24.

Those voting in the affirmative were Messrs. Baker, Bishop, Bottom, Bowman, Bradley, Brown 54th district, Campbell 33d district, Cobb, Douthitt, Drake, Ellis, Emery, Foster 40th district, Glick, Gordon, Griffith, Grover, Hanson, Harrison, Hiner, Hollinburg, Jackman, Lattin, Lee 17th district, Loy, Means, Medill, Miller, Russell, Saunders, Sayer, Snyder, Stratton, Vaughn, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Alford, Barrett, Brown 22d district, Conrey, Dennison, Downing, Ford, Forman, Foster 30th district, Fullington, Gwartney, Hawkins, Hidden, Hollister, Ide, Irwin, Johnston 70th district, Jones, Lacock, McCartney, Page, Steel, Tucker and Underhill.

So the bill passed.

The title was agreed to.

House Joint Resolution No. 5, to amend section 5 of article 2 of the Constitution, was

Read the third time.

A call of the House was demanded.

During the call, Mr. Douthitt, from the committee on rail roads, by consent, reported Bill No. 217, "an act to amend the charter of the Topeka and Southern Kansas rail road company," with the recommendation that it pass.

Also Bill No. 251, "an act to incorporate the Leavenworth city rail road company," and recommended its rejection.



Also Bill No. 257, "an act to aid in the construction of a rail road and telegraph line from the Missouri river to the Pacific ocean," without recommendation.

Mr. Ford, from a special committee, reported Bill No. 263, "an act relating to a certain road," and recommended its passage.

Mr. Foster moved that further proceedings under the call of the House be dispensed with. Carried.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 43. Noes 23.

Those voting in the affirmative were Messrs. Baker, Beeson, Barrett, Bishop, Bottom, Broadhead, Brown 22d district, Brown 54th district, Conrey, Craft, Dennison, Downing, Ellis, Emery, Foster 30th district, Foster 40th district, Gordon, Griffith, Hanson, Hidden, Hiner, Hollinburg, Hollister, Ide, Jackman, Johnson 1st district, Jones, Loy, Means, McCartney, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Ward and Weisback.

Those voting in the negative were Messrs. Alford, Bowman, Campbell 33d district, Campbell 55th district, Clark, Cobb, Douthitt, Drake, Ford, Forman, Fullington, Grover, Gwartney, Harrison, Hawkins, Irwin, Johnston 70th district, Lacock, Lattin, Lee 17th district, Lee 19th district, Medill and Williams.

So the resolution was lost. A vote of two-thirds of all the members elected being required for its passage.

On motion of Mr. Saunders, the vote was reconsidered, and the resolution was made to stand in the calendar for third reading on Tuesday next.

Bill No. 166, "an act providing for service of process upon corporations," was then taken up and

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 65. Noes 3.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Barrett, Bottom, Bowman, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Eskridge, Ford, Forman, Foster 30th district, Foster

Also Bill No. 269, "an act to establish a county line," which was Read the first time.

Mr. Foster 30th district, asked leave of absence for Mr. Griffith, on account of sickness in his family. Granted.

On motion of Mr. Ford, further proceedings under the call of the House were dispensed with.

Mr. Ide, by consent, withdrew his motion to suspend the rules.

By consent, Mr. Ellis withdrew Bill No. 200.

The House went into committee of the whole.

Mr. Mitchell in the chair.

After some time spent therein, the committee arose, and reported back Bill No. 125, "an act to establish and survey the old Santa Fe road," with amendments, and recommended its passage, and

Bill No. 93, "an act to amend an act entitled 'an act regulating crimes and the punishment of crimes against the persons of individuals,' " and

Bill No. 91, "an act to amend 'an act regulating the jurisdiction and procedure before justices of the peace and of the duties of constables in civil cases,' approved February 8th, 1859," recommending that the enacting clause be stricken out; and

Reported progress on Bill No. 89, relating to mills and millers and the rates of toll, and

Bill No. 102, "an act relative to taxes," and asked leave to sit again.

The report of the committee was agreed to.

On motion, the House adjourned.

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#### AFTERNOON SESSION.

Two o'clock P. M.

House called to order.

Speaker in the chair.

On motion, the House resolved itself into committee of the whole for the consideration of Bill No. 186, being special order.

Mr. Lee in the chair.

After some time spent therein, the committee arose, and through its chairman reported back to the House Bill No. 186, and recommended its passage as amended.

The report of the committee of the whole was agreed to, except as to making it special order.

Mr. Emery, from a special committee, reported Bill No. 226, "an act to vacate certain streets and alleys," and recommended its passage, and that it be made the special order for Wednesday, at 2 P. M.

Mr. Ward introduced Bill No. 270, "an act for the relief of school district No. 7 of Shawnee county."

Mr. Weisback, from the committee on roads and highways, reported Bill No. 288, "an act to locate a certain State road," and recommended its passage.

On motion, the House adjourned.

TUESDAY, February 24, 1862, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Journal of yesterday read and approved.

Mr. Saunders, from the committee on engrossed bills, made the following report:

MR. SPEAKER:—The committee on engrossed bills have examined House Bill No. 125, "an act to survey and establish the old Santa Fe road," and found it correctly engrossed.

WM. R. SAUNDERS, *Chairman*.

Mr. Forman, of the committee on enrolled bills, made the following report:

MR. SPEAKER:—The committee on enrolled bills have examined the following bills and found them correctly enrolled, to wit:

Bill No. 66, "an act to amend an act entitled 'an act to change the terms of the district court in the third and fifth judicial districts,' approved March 4th, 1862."

Bill No. 86, "an act to aid in the collection of taxes in Johnson county."

JOHN W. FORMAN, *Chairman*.

Mr. Stratton made the following report:

MR. SPEAKER:—Your committee, to whom was referred House Bill No. 260, entitled "an act locating, establishing and providing for free ferries across the Kansas river," have had the same under consideration and beg leave to report the same back to the House without recommendation.

C. H. STRATTON, *Chairman*.

Mr. Russell, from conference committee on Bill No. 82, made the following report:

Section 5. The journals of the Legislature shall be printed in royal octavo form, the same size of the compiled laws of 1862.

Sec. 6. Section 5 of Bill No. 82, "an act to provide for the State

printing," passed May, 1861, is hereby repealed. Change number of Section 5 to Section 7.

W. H. M. FISHBACK, Chmn. Con. Com. Senate.

ED. RUSSELL, Chmn. Con. Com. House.

Mr. Mitchell, from the committee on federal relations, made a report relative to the resolutions of the Delaware Legislature, complaining of the aggressions of the government upon the institutions of the country, and recommended that the resolution be referred to the Senate.

The report of the committee on mileage, made yesterday, was taken up and laid on the table. The report was as follows:

MR. SPEAKER:—The special committee, to whom was referred the resolution relating to mileage due to members, and to inquire whether members are entitled to pay during leave of absence, have had the same under consideration and respectfully submit the following report:

That, in the opinion of a majority of the committee, members should compute their mileage by the nearest route from their residence to the Capital by public conveyance. A majority of the committee are also of the opinion that members, on leave of absence granted by the House, are entitled to their per diem during such absence.

C. V. ESKRIDGE, *Chairman*.

Mr. Miller, of the committee on public institutions, reported Bill No. 261, "an act to locate the State deaf and dumb asylum at Baldwin City in Douglas county," without recommendation.

Mr. Hollister, from the committee on counties, reported Bill No. 264, "an act supplemental to the law relating to counties and county officers," and recommended its rejection.

A message from the Senate was received, announcing the appointment of Messrs. Potter and Strickler on the committee to confer with R. S. Stevens relative to the matters of difference between that gentleman and the State.

The resolution offered yesterday by Mr. Foster restricting members to ten minutes speeches in the committee of the whole, was taken up.

Mr. Brown moved that the resolution be adopted.

Mr. Ide moved the previous question, upon which a call of the House was ordered.

During the call, a message from the Senate was received.

Absentees having been brought in, further proceedings under call of the House were dispensed with.

On motion of Mr. Russell, the House went into committee of the whole for the consideration of Bill No. 240, the general appropriation bill.

Mr. Ide in the chair.

Pending the amendment of the bill the committee arose, reported progress on Bill No. 240 and asked leave to sit again.

The following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 23, 1863. }

*To the House of Representatives :*

I did, on the 20th instant, approve Bill No. 164, "an act to authorize a certain agent and provide for his payment.

Also on the 21st instant Bill No. 16, "an act to provide for the erection and regulation of a penitentiary and making an appropriation therefor."

I have also this day approved Bill No. 17, "an act to authorize school district No. 1 and 22 in Lyon county to issue bonds."

Respectfully,

THOMAS CARNEY.

On motion, the House adjourned.

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#### AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

The House again went into committee of the whole on consideration of the general appropriation bill.

Mr. Ide in the chair.

After some time spent therein, the committee arose, and through

their chairman reported back to the House Bill No. 240 and asked leave to sit again at 7 o'clock this evening.

The report of the committee of the whole was agreed to.

Mr. Forman, from the committee on enrolled bills, made the following report :

Mr. SPEAKER:—The committee on enrolled bills ask leave to report that the following bills are placed in the hands of the Governor for his consideration on Tuesday, February 24, 1863, to wit :

Bill No. 86, "an act to amend an act entitled 'an act to change the terms of the district court in the third and fifth judicial districts.'"

Bill No. 66, "an act to legalize the collection of taxes in Johnson county."

JOHN W. FORMAN, *Chairman.*

On motion, the House adjourned.

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#### EVENING SESSION.

SEVEN O'CLOCK P. M.

House called to order.

Speaker in the chair.

On motion, the House resolved itself into committee of the whole for consideration of unfinished business on Bill No. 240.

Mr. Ide in the chair.

After some time spent therein, the committee arose, and through its chairman, reported progress on Bill No. 240 and asked leave to sit again.

On motion, the House adjourned.

WEDNESDAY, February 25, 1863, 9 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Prayer by the Rev. Mr. Paulson.

Journal of yesterday read and approved.

Mr. Jackman presented the petition of James Hole and others, for a State road from Fort Scott to Iola.

Referred to committee on roads and highways.

The following message from the Senate was taken up :

MR. SPEAKER :—I am directed to notify the House that the Senate has failed to pass Bill No. 107, "an act supplemental to 'an act concerning lunatics and habitual drunkards,' approved Feb. 8, 1859, and to authorize their guardian to lease or sell their lands at private lettings or sales, and to partition their lands and settle all litigation therefor."

The Senate has adopted Senate Concurrent Resolution No. 15, discharging committee of conference in relation to R. S. Stevens, and desire your concurrence therein.

Also adopted House Concurrent Resolution No. 17, indorsing the Lane Bill for raising 300 regiments of men of African descent, with sundry amendments in all of which your concurrence is desired.

JOHN FRANCIS, *Secretary*.

The House concurred in Senate Concurrent Resolution No. 15, discharging the committee of the two Houses to confer with R. S. Stevens, &c.

House concurred in Senate amendments to the following House Concurrent Resolution No. 17.

Also in all of the Senate amendments to Bill No. 140, except those to section 5, in which it now concurred.

Also concurred in Senate amendments to Bills Nos. 113 and 85.

Mr. Baker offered the following resolution, which was laid on the table :



*Resolved*, That the time members are absent, otherwise than in case of sickness, shall be deducted from their per diem allowance.

The resolution offered on a previous day that members in committee of the whole, be restricted to one speech of ten minutes each upon the same subject, was laid on the table.

The substitute to Concurrent Resolution No. 6, memorializing Congress to grant lands for construction of rail roads and telegraph lines, was laid over until to-morrow.

Mr. Ward introduced Bill No. 271, "an act to authorize school district No. 1, in Shawnee county to levy a tax and issue bonds to build a school house."

Read the first time.

Bill No. 269, "an act to establish a county line," was

Read second time and referred to the committee on county seats and county lines.

Bill No. 270, "an act for the relief of school district No. 7, in Shawnee county," was

Read a second time and referred to committee on education.

Joint Reselution No. 5, to amend the Constitution so that the legislature shall meet biennially instead of annually hereafter, was taken up and passed by the following vote : Ayes 56. Noes 12.

Those voting in the affirmative were Messrs. Baker, Beeson, Barrett, Bishop, Bradley, Broadhead, Brown 22d district, Brown 54th district, Conrey, Craft, Dennison, Downing, Drake, Emery, Eskridge, Ford, Foster 30th district, Foster 40th district, Fullington, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kiner, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Miller, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Tucker, Vaughn, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Alford, Bottom, Campbell 33d district, Campbell 55th district, Clark, Cobb, Douthitt, Worman, Irwin, Lacock and Stratton.

By consent, Mr. Saunders from committee on engrossed bills, reported that they had examined Bill No. 186, "an act to authorise

the State of Kansas to procure temporary capitol buildings," and found it correctly engrossed.

W. R. SAUNDERS, *Chairman*.

Bill No. 125, "an act to survey and establish the old Santa Fe road," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 63. Noes 3.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Campbell 33d district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Drake, Ellis, Emery, Eskridge, Ford, Foster 30th district, Foster 40th district, Fullington, Gordon, Grover, Gwartney, Hanson, Hawkins, Hiner, Hollinberg, Hollister, Ide, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lee 17th district, Lee 19th district, Loy, Means, McCartney, Medill, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Griffith, Hidden and Jackman.

And so the bill passed.

The title was agreed to.

Bill No. 186, "an act to authorize the Secretary of State to lease capitol buildings," was taken up and

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 65. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Drake, Ellis, Emery, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Kinner, Lacock, Lee 17th district, Loy, Means, McCartney, Medill,

Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Ward, Weisback and Williams.

Voting in the negative Mr. Downing.

So the bill passed.

The title was agreed to.

The following message from the Governor was received.

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 24, 1863.

*To the House of Representatives:*

I have this day approved Bill No. 42, "an act to fund the Territorial debt."

Also Bill No. 181, "an act to require certain counties to levy, and collect and pay over delinquent Territorial taxes."

Also Bill No. 66, "an act to amend an act entitled 'an act to change the terms of the district court in the third and fifth judicial districts,' approved March 4, 1862."

Also Bill No. 86, "an act to aid in the collection of taxes in Johnson county."

I also enclose herewith, a telegraphic dispatch from Maj Gen. Rosecrans, commanding the Department of the Cumberland.

Respectfully,

THOMAS CARNEY.

MURFREESBORO, Feb. 21, 1863.

*To Governor Robinson, Topeka:*

I think it due to those who suffer in the field as those who foot the bills at home, and run the risk of being called out to defend home and national life, that all deserters should be returned to duty, all citizens are interested in this. Those who oppose it, favor perjury and rascality. Because a man who agrees to serve his country, takes wages, and even bounty money, and violates his oath of service by deserting, is a perjurer and a rascal—and probably a coward. Why should not the legislature pass a law disfranchising and disqualifying from giving evidence, all deserters, as for other crimes.

W. S. ROSECRANS, Maj. Gen. Commanding.

The House then went into committee of the whole for the further consideration of the general appropriation bill.

Mr. Ide in the chair.

After some time spent therein, the committee arose, and through its chairman reported progress on Bill No. 240, and asked leave to sit again, this P. M., at two o'clock.

By consent, Mr. Forman from the committee on enrolled bills, reported that House Bill No. 82, entitled "an act supplementary to an act entitled 'an act to provide for the State printing,' passed May, 1861," was examined and found to be correctly enrolled, and the same placed in the hands of the Governor for his consideration, on Tuesday, Feb. 25, 1863.

JOHN W. FORMAN, *Chairman.*

By consent, Mr. Rogers from the committee on education, reported that House Bill No. 270, "an act for the relief of school district No. 7, in Shawnee county," and

Bill No. 250, "an act to amend the school law," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

Also Bill No. 197, "an act to authorize the leasing of school lands, and to prevent waste upon the same," without recommendation.

JAMES ROGERS, *Chairman.*

On motion, the House adjourned.

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#### AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

On motion, the House went into the committee of the whole for the further consideration of the general appropriation bill.

Mr. Ide in the chair.

After some time spent therein, the committee arose, reported the bill back and recommended its passage.

The report of the committee of the whole was agreed to.

Mr. Lacock moved that the bill be considered engrossed and ordered to a third reading. Carried.

Bill No. 42, "an act making appropriations for the current expenses of the years 1861, 1862 and 1863," was

Read the third time.

Mr. Bottom moved that the vote by which the bill was considered engrossed, be reconsidered. Carried.

Mr. Bottom moved to amend by inserting in section 1 of the bill, the account of McHenry, Downs & Co.

By consent Mr. Brown from committee on claims, made the following report :

MR. SPEAKER :—Your committee on claims have had under consideration the account of McHenry, Downs & Co., and have instructed me to report the same back to the House and recommend its passage.

A. BROWN, *Chairman.*

The motion to insert was lost.

The question being " Shall the bill pass ?" the vote resulted as follows : Ayes 51. Noes 18.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bottom, Bishop, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Clark, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Ellis, Eskridge, Ford, Foster 30th district, Foster 40th district, Fullington, Griffith, Grover, Gwartney, Harrison, Hawkins, Ide, Irwin, Johnson 70th district, Jones, Kinner, Lacock, Lee 17th district, Lee 19th district, Loy, McCartney, Medill, Miller, Rogers, Russell, Saunders, Sayer, Steel, Stratton, Tucker, Vaughn, Ward and Williams.

Those voting in the negative were Messrs. Campbell 33d district, Drake, Emery, Gordon, Hanson, Hidden, Hiner, Hollinburg, Hollister, Jackman, Johnston 1st district, Lattin, Means, Mitchell, Page, Snyder, Medill and Weisback.

So the bill passed.

The title was agreed to.

The House then went into committee of the whole.

Mr. Broadhead in the chair.

Bill No. 87, "an act relating to millers and the rates of toll," was considered.

After some time spent in consideration of the bill, the committee arose and recommended its passage.

On motion, the House adjourned.

THURSDAY, February 26, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Journal of yesterday read and approved.

Mr. Lattin, from the committee on corporations, reported Bill No. 254, "an act to amend the charter of Bloomington," and recommended its passage.

The following messages from the Senate was taken up :

MR. SPEAKER :—I am directed to notify the House that the Senate has passed Bill No. 166, "an act providing for service of process on corporations," and

Bill No. 134, "an act to amend an act entitled 'an act to incorporate the city of Marysville,' with sundry amendments, to each in which your concurrence is desired.

The Senate has passed Bill No. 41, "an act to amend an act entitled 'an act, to prevent the firing of woods, marshes and prairies,' approved Feb. 16, 1860," without amendments.

JOHN FRANCIS, *Secretary*.

The House concurred in amendments to Bills Nos. 166 and 134.

By consent, Mr. Forman from committee on enrolled bills, made the following report :

MR. SPEAKER :—The committee on enrolled bills ask leave to report that House Bill No. 113, "an act entitled 'an act to prevent proceedings in law, in the name and for the benefit of disloyal persons,' " has been examined and found to be correctly enrolled, and the same was placed in the hands of the Governor for his consideration, on Wednesday, Feb. 25, 1863.

They have also examined Bill No. 85, entitled "an act making appropriations for educating the deaf and dumb children of the State of Kansas for the year 1863," and have found the same correctly enrolled.

JOHN W. FORMAN, *Chairman*.

The resolution restricting each member to one speech of not more than ten minutes in length, was taken up, and on motion of Mr. Russell again laid on the table.

Mr. Ward introduced Bill No. 283, 'an act to create the office of police magistrate for the city of Topeka.'

Read the first time.

Mr. Vaughn introduced Bill No. 274, "an act making an appropriation for the relief of Prof. P. A. Emery, superintendent of the deaf and dumb asylum at Baldwin city."

Read the first time.

On motion, the rules were suspended, and Bill No. 271, "an act to authorize school district No. 1, in Shawnee county, to levy a tax and issue bonds to build a school house," was

Read second time and referred to the committee on education.

Also Bill No. 272, "an act to provide revenue for the year 1863," was

Read the second time and referred to the committee on ways and means.

Also Bill No. 273, "an act to vacate the office of police magistrate in the city of Topeka," was

Read second time and referred to the committee on judiciary.

Also Bill No. 274, "an act to make an appropriation," was

Read the second time and referred to the committee on ways and means.

The House resolved itself into committee of the whole for consideration of unfinished business on Bills Nos. 102, 138, 180, 181, 151 and 200.

Mr. Foster 30th district, in the chair.

After some time spent therein, the committee arose, and through its chairman reported progress on Bills Nos. 102, 138, 180, 181, 151 and 200, and asked leave to sit again.

On motion, the House adjourned.



## AFTERNOON SESSION.

Two o'clock, P. M.

House called to order.

Speaker in the chair.

The following message from the Senate was received :

MR. SPEAKER:—I am directed to notify the House that the Senate has passed Bill No. 160, "an act to amend an act entitled 'an act relating to townships and township officers,' approved Feb. 27, 1863," with one amendment, in which your concurrence is desired.

Has failed to pass Bill No. 192, "an act to declare certain road State roads."

Still adheres to its amendments to Bill No. 140, "an act providing for the removal of county seats and the permanent location of the same," and has adopted the report of the committee of conference of both Houses, in reference to Bill No. 34.

JOHN FRANCIS, *Secretary.*

The speaker appointed Messrs. Griffith, Drake, Page and Medill, a committee to confer with Senate committee on amendments to Bill No. 140.

The House agreed to the report of the committee of conference on Bill No. 34.

Mr. Forman made the following report :

MR. SPEAKER:—The committee on enrolled bills ask leave to report Bill No. 85, entitled "an act making appropriations for educating the deaf and dumb children of the State of Kansas for the year 1863," was placed in the hands of the Governor for his consideration on Thursday, Feb. 26, 1863.

Also that the following bills have been examined and found to be correctly enrolled, to wit :

Bill No. 134, "an act to amend an act entitled 'an act to incorporate the city of Marysville.' "

Bill No. 41, "an act to amend an act entitled 'an act to prevent

the firing of woods, marshes and prairies,' approved Feb. 16, 1860."

Bill No. 166, "an act providing for service of process on corporations."

JOHN W. FORMAN, *Chairman.*

The House then went into committee of the whole for the consideration of unfinished business of the forenoon.

Mr. Foster of Leavenworth, in the chair.

The speaker resumed his seat, when the following message from the Governor, was received :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 26, 1863.

*To the House of Representatives :*

I have this day approved Bill No. 82, "an act to amend an act entitled 'an act to provide for the State printing,' " passed May, A. D. 1861.

Also approved Bill No. 113, "an act to prevent proceedings of law in the name and for the benefit of disloyal persons."

Also Bill No. 85, "an act making an appropriation for educating the deaf and dumb children of the State of Kansas for the year 1863.

Respectfully,

THOMAS CARNEY.

The speaker again resumed his seat, when the following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 26, 1863.

*To the House of Representatives :*

I herewith transmit for the consideration of the legislature, a communication from R. S. Stevens, proposing to compromise matters of controversy between him and the State.

Respectfully,

THOMAS CARNEY.

TOPEKA, KANSAS, February 26, 1863.

SIR :—As you are aware (for it is now a matter of history) there was a contract entered into in the month of December, 1861, between the Auditor and Secretary of State of the State of Kansas, and myself conditional, that in case I should succeed in effecting a

sale of the seven per cent bonds, belonging to the State, amounting at that time, to the sum of \$87,200,00, therefor, all I could realize over sixty cents on the dollar thereon, and also the coupons for the semi-annual interest thereon, to become due January 1st, 1862, in accordance with this contract I sold the bonds delivered to the Secretary of the Interior of the United States, \$87,200,00 of bonds belonging to the State, and received pay for \$56,200,00 thereof, and paid into the State Treasury, the sum of \$33,720,00, being sixty cents on the dollar for \$56,200,00. I also left with the said Secretary of the Interior, as the property of the State, and subject to the conditions of the contract between said Auditor and Secretary of State and myself, bonds to the amount of \$31,000,00, which said bonds are still there unpaid for. I also received from the State Treasurer the sum of \$3,052,00, being amount of coupons on \$87,200,00 of bonds.

Dissatisfaction has been expressed by various citizens of the State at the terms of said sale and conditions of said contract between the Auditor and Secretary of State and myself, and a suit has been commenced against me to recover the full sum of eighty-five cents on the dollar for the \$56,200,00 of bonds paid for, and coupon interest. This suit is now pending, and the amount the State can recover, will in due time, be determined by the court, unless sooner and otherwise settled.

If I am correctly informed, the State is now seeking to avail itself of the benefit of the sale effected by me, by approving and confirming the same, and at the same time attempting to entirely ignore the contract with me as to terms of my effecting said sale.

By reference to the report of the Hon. F. P. Baker, made to the House of Representatives at its last session, and which, if I remember right, was adopted, the value of this contract, or even the fulfillment of the balance of it, can be already seen, as also the estimate of that legislature, of the then cost value of Kansas bonds, (see House Journal of 1862, pages 332 and 333.) I quote a few words.

"There are two ways by which the State can carry out the contract. She can issue bonds to the amount of \$62,800,00, either at this session or at some future time, and receive for them the contract price of ninety-five (should be eighty-five) cents on the dollar,

which would be \$53,180,00, putting the market value of Kansas bonds at fifty cents, which is believed to be higher than could be realized for them, there will be a clear profit of thirty-five cents on the dollar. In other words, the cash value of the contract is worth \$21,980,00. The other way would be for the State to go into the market and buy up her bonds, which could be done at a price not to exceed fifty cents on the dollar, and with them fill the contract at Washington."

These were the views last winter as to the value of that portion of the contract yet unfulfilled. Is it worth any thing less now? When the contract was made with me by the State officers, it was deemed legal, valid and binding, and they considered their action in the premises, for the best interests of the State, but of this act, however, great trouble has arisen. But I presume all true men desire to see this trouble settled in some way, without compromising the honor and integrity of the State; securing to it the most money at the earliest day, and avoiding further expense and litigation. Such I believe to be your desire, and believing thus, I am induced to submit to you the following proposition for the full and fixed settlement of all matters of difference, between the State, myself and all other persons, arising from the sale of seven per cent. bonds, and would request you to submit the same to the legislature for its consideration and action, viz :

I propose to pay into the State Treasury ten cents on the dollar, on the sum of \$56,200, being the amount of bonds belonging to the State, for which payment has been made; also the amount of coupon interest on the sum of \$87,200 of bonds, amounting as follows :

Ten per cent. on \$56,200,	\$ 5,620
Coupon interest,	3,052
	<hr/>
	\$ 8,672

Together with interest on said amount from time of receipt by me, until the same shall be paid to the State. Payment to be made whenever the State shall affirm the sale of said bonds, cause the suit against me to be dismissed, and discharge and release all persons engaged in said sale from further responsibility. In other words, settle and close the entire transaction with all parties. I will also release any and all claims I may have for participating in the balance of the contract.

In making this proposition, I do not, of course, admit any liability on my part to the State, but beg you and the legislature, to consider me as actuated solely by a desire to secure for the State the largest sum of money possible, at the earliest day, and avoid further expense and litigation to all concerned.

With great respect, I have the honor to be,

Your obedient servant,

R. S. STEVENS.

To his Excellency, Thomas Carney, Governor of Kansas.

After some time spent therein, the committee arose, and through their chairman reported back to the House Bill No. 240, reported progress, and asked leave to sit again at seven o'clock this evening.

Mr. Fullington offered the following resolution which was laid on the table :

*Resolved*, That the Attorney General be requested to give to this House his opinion whether the provisions contained in the 6th section of an act of Congress, entitled "an act to reduce the expenses of the survey and sale of the public lands in the United States, approved May 30, 1862," apply to lands donated to this State for the benefit of agricultural colleges.

Mr. Forman made the following report :

MR. SPEAKER :—The committee on enrolled bills ask leave to report that the following bills were placed in the hands of the Governor for his signature, on Thursday, Feb. 26, 1863, to wit :

Bill No. 134, "an act to amend an act entitled 'an act to incorporate the city of Marysville.' "

Bill No. 41, "an act to amend an act entitled 'an act to prevent the firing of woods, marshes and prairies,' approved Feb. 16, 1860."

Also Bill No. 166, "an act providing service of process on corporations."

JOHN W. FORMAN, *Chairman*.

On motion, the House adjourned.

## EVENING SESSION.

SEVEN O'CLOCK P. M.

House called to order.

Speaker in the chair.

On motion the House resolved itself into committee of the whole for the consideration of unfinished business of the afternoon.

Mr. Foster of Leavenworth, in the chair.

After some time spent therein the committee arose, and through their chairman reported back to the House Bill No. 102, and recommended its passage as amended, reported progress on the other bills, and asked leave to sit again.

Mr. Glick moved that the rules be suspended and the bill be considered engrossed and put upon its final passage. Lost.

A call of the House was demanded.

On motion of Mr. Ford, further proceedings under the call of the House were dispensed with. Carried.

By consent, Mr. Glick offered a resolution which was laid over under the rule.

Mr. Eskridge moved that the unfinished business of the committee of the whole, in evening session, be made the special order for nine o'clock to-morrow morning. Lost.

On motion, the House adjourned.

FRIDAY, February 27, 1863, 9 o'clock A. M

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Journal of yesterday read and approved.

Prayer by the Rev. Mr. Steel.

Mr. Forman from committee on enrolled bills, reported that they had examined Bill No. 160, entitled "an act relating to townships and township officers," approved Feb. 27, 1860.

Also Bill No. 34, "an act to amend an act entitled 'an act regulating the interest of money,' approved Feb. 16, 1860," and have found them correctly enrolled.

House Bill No. 223, "an act to provide for the incorporation of fire, marine and life insurance companies," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 42. Noes 1.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Clark, Cobb, Craft, Dennison, Douthitt, Downing, Emery, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Gordon, Griffith, Grover, Gwartney, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Jackman, Johnson 1st district, Jones, Lacock, Lee 17th district, Loy, Medill, Mitchell, Russell, Sayer, Snyder, Stratton, Tucker, Underhill and Weisback

Voting in the negative, Mr. Rogers.

So the bill passed.

The title was agreed to.

House Bill No. 267, "an act for the government of the college, for the benefit of agriculture and the mechanic arts," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 45. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Clark, Cobb, Craft, Dennison, Douthitt, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Ide, Jackman, Jones, Lacock, Lee 17th district, Loy, Means, Medill, Miller, Rogers, Sayer, Snyder, Stratton, Underhill and Weisback.

So the bill passed.

The title was agreed to.

Mr. Saunders, of the committee on engrossed bills, would report that they have examined House Bill 262, "an act to vacate the streets, alleys, parks and public grounds of a portion of the town of Delaware."

Bill No. 205, "an act to establish a uniformity in school books."

Bill No. 206, "an act to provide for the location of lands granted to the State, by act of Congress, approved July 2, 1863," and making appropriation therefor.

Bill No. 138, "an act to provide for the erection of a dam across the Neosho river," and found them correctly engrossed.

W. R. SAUNDERS, *Chairman*.

Bill No. 275, "an act providing for printing the reports of the State officers," was introduced.

On motion of Mr. Glick, the rules were suspended, and Bill No. 275, was

Read the first, second and third times.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 51. Noes 1.

Those voting in the affirmative were Messrs. Alford, Beeson, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Clark, Christy, Cobb, Conrey, Craft, Dennison, Douthitt, Downing, Emery, Ford, Forman, Foster 30th district, Glick, Gordon, Griffith, Grover, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Ide, Irwin, Johnson 1st district, Johnston 70th district, Lacock, Lattin, Lee 17th district, Loy, Means, Mitchell, Rogers, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Ward Weisback and Williams.



Voting in the negative, Mr. Hollister.

And so the bill passed.

The title was agreed to.

Mr. Mitchell offered a resolution which was adopted, inviting the Rev. Mr. Wilson to preach in the hall on next Sunday morning.

Concurrent Resolution No. 6, memorializing Congress for a grant of land for railroad purposes, was taken up and adopted.

Mr. Saunders, of the committee on engrossed bills, reported that the committee had examined Bill No. 102, "an act supplemental to an act to provide for the assessment and collection of taxes," and found the same correctly engrossed.

The following messages were received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 27, 1863.

*To the House of Representatives :*

I did, on the 26th, approve Bill No. 166, "an act providing for service of process on corporations."

Also Bill No. 134, "an act to amend an act entitled 'an act to incorporate the city of Marysville.'"

Also Bill No. 41, "an act to cancel an act entitled 'an act to prevent the firing of woods, marshes and prairies,' approved February 16th, 1860."

Also Bill No. 160, "an act to amend an act entitled 'an act relating to townships and township officers,' approved February 27th, A. D. 1860."

Also Bill No. 34, "an act to amend an act entitled 'an act regulating the interest of money,' approved Feb. 16, 1860."

I herewith transmit the annual report of Gen. Geo. W. Collamore, Quartermaster General of Kansas militia.

Respectfully,

THOMAS CARNEY.

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, February 27, 1863.

*To the House of Representatives :*

As the present session of the Legislature is rapidly drawing to a close, I deem it not improper to suggest that such measures should first engage your attention as are of general and paramount impor-

tance. From the mass of unconsidered bills upon the House calendar, I will take the liberty of naming two which should receive immediate attention. Bill No. 206, "an act to provide for the location of lands granted to the State by act of Congress approved July 2d, 1862, and making appropriation therefor," or some bill having in view the subject above expressed should be acted upon without delay. I am informed that the State of Rhode Island has accepted the proposal of Congress, and has already located one hundred and twenty thousand acres of land in the State. If this Legislature should fail to provide for locating the lands due to this State, under the act alluded to, other States may and probably will, within the present year, locate in this State a million of the most valuable lands undisposed of.

Another subject which requires your attention is that which is embraced in Bill No. 267, entitled "an act for the government of the college for the benefit of agriculture and the mechanic arts," as this institution has already been located, and as the building, apparatus &c., are complete, I trust that the Legislature will not fail to provide for its government and internal polity, so that it may become a source of usefulness to the State and of pride to the people.

Respectfully,

THOMAS CARNEY.

Bill No. 102, "an act supplemental to 'an act to provide for the assessment and collection of taxes,'" was

Read the third time.

Mr. Rogers offered an amendment.

Mr. Griffith moved to suspend the rules in order that the amendment might be considered.

Mr. Ide moved to amend that the vote by which the bill was considered engrossed be reconsidered. Carried.

The motion to adopt the amendment offered by Mr. Rogers prevailed.

A call of the House was demanded and taken.

The sergeant-at-arms returned with absentees.

On motion of Mr. Ide, further proceedings under the call were dispensed with.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 46. Noes 25.

Those voting in the affirmative were Messrs. Alford, Baker, Bishop, Bowman, Brown 22d district, Cobb, Conrey, Craft, Douthitt, Downing, Drake, Emery, Eskridge, Ford, Foster 30th district, Foster 40th district, Fullington, Glick, Griffith, Grover, Gwartney, Harrison, Hawkins, Hidden, Hiner, Hollister, Ide, Jackman, Johnston 70th district, Jones, Lattin, Lee 19th district, Loy, Means, Mitchell, Page, Rogers, Saunders, Sayer, Steel, Stratton, Tucker, Vaughn, Walker, Ward and Williams.

Those voting in the negative were Messrs. Beeson, Barrett, Bottom, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Dennison, Forman, Gordon, Hanson, Hollinburg, Irwin, Johnson 1st district, Kinner, Lacock, Lee 17th district, Medill, McCartney, Saunders, Underhill and Weisback.

So the bill passed.

The title was agreed to.

Mr. Lee, from the conference committee on Bill No. 140, made the following report which was adopted:

MR. SPEAKER:—The committee on conference upon Bill No. 140 have had the same under consideration, and recommend as follows:

That the bill, as passed by the Senate, be passed with the following amendments:

Strike out of section 5 all after the word "therein" in the third line, and insert the following:

*Provided*, That nothing herein contained shall be construed to prevent special legislation hereafter upon county seats of counties not provided for in this act, upon proper application from such counties; and as thus amended, your committee unanimously recommend the passage of the Senate substitute.

A. W. SPALDING, Chamn. Senate Com. of Con.

G. W. LEE, Chamn. House Com. of Con.

The House then went into committee of the whole.

Mr. Brown of Allen in the chair.

Bill No. 40 was stricken from the calendar.

The speaker resumed his seat, when a message from the Senate was received.

After some time spent therein, the committee arose and through its chairman reported back Bill No. 62, "an act to provide for the permanent location of the county seat of Franklin county," and recommended its passage.

Also Bill No. 150, "an act to change the county lines of Jefferson, Leavenworth, Johnson, Douglas and Franklin counties," with sundry amendments, and recommended its passage.

The report of the committee was agreed to.

*Resolved*, That no member hereafter be allowed to speak more than five minutes or but once on the same subject in committee of the whole.

Bills Nos. 62 and 150 were ordered to be engrossed for a third reading.

Mr. Jones offered the following resolution which was laid over under the rules :

*Resolved*, That the sergeant-at-arms is hereby directed to procure from the Secretary of State one copy of the compiled laws of Kansas for each of the officers of the House.

On motion, the House adjourned.

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#### AFTERNOON SESSION.

TWO O'CLOCK, P. M.

House called to order.

Speaker in the chair.

On motion, the House resolved itself into committee of the whole for the consideration of Bills Nos. 138, 202, 210, 212, 244, 262, 267 and 266.

Mr. Foster, of Douglas, in the chair.

The speaker resumed his seat, when the following message from the Senate was received :

MR. SPEAKER:—I am directed to notify the House that the

Senate has indefinitely postponed Bill No. 102, "an act to provide for the construction of bridges and making a donation therefor.

JOHN FRANCIS, *Secretary*.

After some time spent therein, the committee arose, and through their chairman reported back to the House Bill No. 138, and recommended its passage.

Also Bill No. 215, and recommended its passage as amended.

Also Bill No. 210, and recommended its passage.

Also Bill No. 267, and recommended its passage.

Also Bill No. 262, and recommended its passage.

Also Bill No. 244, and recommended its passage.

Also Bill No. 212, and recommended its passage.

Also Bill No. 206, and recommended its passage, and asked leave to sit again on the other bills.

The report of the committee of the whole was agreed to.

The bills reported favorably were ordered to be printed.

Mr. Griffith offered a resolution that the engrossing and enrolling clerks be authorized to procure additional assistance.

Mr. Saunders, from committee on engrossed bills, reported that they had examined Bill No. 150, "an act changing the lines of Jefferson, Leavenworth, Johnson, Douglas and Franklin counties," and found the same correctly engrossed.

WM. R. SAUNDERS, *Chairman*.

On motion, the House adjourned.

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## EVENING SESSION

SEVEN O'CLOCK P. M.

House called to order.

Speaker in the chair.

Mr. Ide moved to suspend the rules to introduce a bill. Motion lost.

Mr. Saunders, of the committee on engrossed bills, reported that they had examined House Bill No. 62, "an act to provide for

the permanent location of the county seat of Franklin county," and found the same correctly engrossed.

W. R. SAUNDERS, *Chairman*.

Mr. Foster of Douglas presented the petition of Stilwell and others, praying for the establishment of separate schools for colored children.

On motion, bills on third reading were taken up.

Bill No. 62, "an act to provide for the permanent location of the county seat of Franklin county," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 48. Noes 10.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bishop, Bowman, Bradley, Brown 22d district, Clark, Christie, Cobb, Conrey, Craft, Douthitt, Downing, Emery, Eskridge, Ford, Foster 30th district, Foster 40th district, Fullington, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Johnson 1st district, Johnston 70th district, Lacock, Lattin, Lee 17th district, Lee 19th district, Loy, Medill, Russell, Saunders, Steel, Tucker, Underhill, Walker, Ward and Weisback

Those voting in the negative were Messrs. Beeson, Bottom, Broadhead, Campbell 55th district, Dennison, Forman, Glick, Sayer, Snyder and Vaughn.

And so the bill passed.

The title was agreed to.

Bill No. 150, "an act to change the county lines of Jefferson, Leavenworth, Johnson, Douglas and Franklin counties," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 41. Noes 10.

Those voting in the affirmative were Messrs. Alford, Baker, Bottom, Bowman, Bradley, Brown 22d district, Douthitt, Drake, Emery, Eskridge, Foster 30th district, Foster 40th district, Fullington, Glick, Griffith, Grover, Gwartney, Harrison, Hidden, Hollister, Ide, Jackman, Johnston 70th district, Jones, Lee 17th dis-

trict, Lee 10th district, Loy, Medill, Mitchell, Rogers, Russell, Saunders, Snyder, Steel, Stratton, Tucker, Vaughn, Walker, Ward, Weisback and Williams.

Those voting in the negative were Messrs. Beeson, Barrett, Bishop, Broadhead, Campbell 55th district, Clark, Cobb, Christie, Dennison, Ford, Forman, Gordon, Hanson, Hawkins, Hiner, Hollinburg, Lacock, Means and Sayer.

So the bill passed.

The title was amended and agreed to.

The House then went into committee of the whole.

Mr. Foster of Douglas in the chair.

After some time spent therein, the committee arose, and reported Bill No. 272, "an act to provide revenue for the year 1861."

Also Bill No. 223, "an act to provide for the incorporation of insurance companies."

Also Bill No. 266, "an act to amend the charter of the Lawrence bridge company," and recommended its passage.

On motion, the bills reported on favorably were considered engrossed and put upon third reading.

House Bill No. 210, "an act to encourage the manufacture of salt," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 56. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bowman, Bradley, Broadhead, Campbell 33d district, Campbell 55th district, Clark, Cobb, Craft, Dennison, Douthitt, Downing, Emery, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollister, Ide, Irwin, Johnson 1st district, Jones, Lattin, Lee 17th district, Loy, Means, Medill, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Stratton, Tucker, Underhill, Weisback and Williams.

And so the bill passed.

The title was agreed to.

House Bill No. 266, "an act-amendatory to an act entitled 'an act to incorporate the Lawrence bridge company,'" was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 52. Noes 2.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Campbell 33d district, Campbell 55th district, Clark, Cobb, Craft, Dennison, Downing, Emery, Ford, Forman, Foster 40th district, Fullington, Gordon, Griffith, Grover, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Irwin, Jackman, Johnson 1st district, Jones, Lacock, Lee 17th district, Loy, Means, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Snyder, Stratton, Tucker, Underhill, Vaughn and Weisback.

Those voting in the negative were Messrs. Foster 30th district and Ide.

And so the bill passed.

The title was agreed to.

House Bill No. 272, "an act to provide revenue for the year 1863," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 50. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Campbell 55th district, Clark, Cobb, Craft, Dennison, Douthitt, Downing, Emery, Ford, Forman, Foster 30th district, Foster 40th district, Fullington, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Ide, Jackman, Johnson 1st district, Lacock, Lee 17th district, Loy, Means, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Stratton, Tucker, Underhill and Weisback.

And so the bill passed.

The title was agreed to.

House Bill No. 206, "an act to provide for the location of lands granted to the State by act of Congress approved July 2d, 1862, and making appropriation therefore," was

Read the third time.



The question being "Shall the bill pass?" the vote resulted as follows : Ayes 52. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Clark, Craft, Dennison, Douthitt, Downing, Drake, Emery, Eskridge, Ford, Forman, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Jackman, Johnson 1st district, Jones, Lacock, Lee 17th district, Loy, Means, Medill, Miller, Mitchell Rogers, Russell, Saunders, Sayer, Steel, Snyder, Stratton, Tucker, Underhill, Vaughn and Weisback.

So the bill passed.

The title was agreed to.

House Bill No. 205, "an act establishing uniformity in school books," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows : Ayes 51. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Clark, Craft, Dennison, Douthitt, Downing, Drake, Emery, Eskridge, Ford, Forman, Fullington, Glick, Gordon, Griffith, Grover, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Hollister, Jackman, Johnson 1st district, Jones, Lee 17th district, Loy, Means, Medill, Miller, Mitchell, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Weisback and Williams.

So the bill passed.

The title was agreed to.

House Bill No. 138, "an act entitled an act to provide for the erection of a dam across the Neosho river," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows : Ayes 45. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Clark, Cobb, Craft, Dennison, Drake, Emery, Eskridge, Ford, Forman, Foster 40th district, Fullington, Gordon, Griffith, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister,

Jackman, Jones, Lacock, Lee 17th district, Loy, Means, Medill, Miller, Mitchell, Russell, Sayer, Snyder, Steel, Stratton, Underhill, Vaughn and Weisback.

So the bill passed.

The title was agreed to.

House Bill No. 262, "an act to vacate the streets, alleys, parks and public grounds of a portion of the town of Delaware," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 52. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bishop, Bottom, Bradley, Broadhead, Brown 55th district, Campbell 33d district, Clark, Cobb, Craft, Dennison, Downing, Drake, Emery, Eskridge, Ford, Forman, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Jackman, Johnson 1st district, Jones, Lacock, Lee 17th district, Means, Medill, Miller, Mitchell, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill and Weisback.

So the bill passed.

The title was agreed to.

Mr. Saunders, from the committee on engrossed bills, reported that they have examined House Bill No. 244, "an act to provide for the auditing and payment of outstanding Territorial indebtedness," and found the same correctly engrossed, with the exception of the omission of the word and figure "December 7th," before the figures "1857," near the end of the first section, which, as your committee understands, should be in the bill, as it was amended and reported back to the House by the committee of the whole.

W. R. SAUNDERS, *Chairman.*

House Bill No. 244, "an act to provide for the auditing and payment of outstanding Territorial indebtedness," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 40. Noes 12.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bottom, Bradley, Brown 54th district, Clark, Douthitt, Downing, Drake, Emery, Eskridge, Ford, Forman, Foster 30th district,

Foster 40th district, Fullington, Glick, Griffith, Gwartney, Harrison, Hawkins, Hidden, Hollister, Jones, Johnson 1st district, Loy, Medill, Miller, Mitchell, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Vaughn and Weisback.

Those voting in the negative were Messrs. Bishop, Broadhead, Campbell 33d district, Dennison, Gordon, Hollinberg, Irwin, Jackman, Lacock, Lee 17th district, Means and Underhill.

So the bill passed.

The title was agreed to.

Mr. Eskridge made the following report :

MR. SPEAKER:—Your committee on county seats and county lines, to whom was referred Bill No. 169, "an act to establish a county line," have had the same under consideration, and instruct me to report the same back without recommendation.

C. V. ESKRIDGE *Chairman.*

Mr. Emery, chairman of the judiciary committee, to whom was referred Bill No. 273, "an act to create the office of police magistrate in the city of Topeka," directed me to report the same back to the House with the recommendation that it pass.

J. S. EMERY, *Chairman.*

House Concurrent Resolution No. 22 was taken up and  
Read the third time.

The question being " Shall the bill pass ?" the vote resulted as follows : Ayes 30. Noes 12.

Those voting in the affirmative were Messrs. Baker, Beeson, Bishop, Bradley, Broadhead, Campbell 33d district, Clark, Cebb, Dennison, Emery, Eskridge, Ford, Forman, Foster 40th district, Glick, Hawkins, Hiner, Hollenburg, Jackman, Johnson 1st district, Jones, Loy, Medill, Mitchell, Rogers, Russell, Snyder, Steel, Stratton and Tucker.

Those voting in the negative were Messrs. Bottom, Brown 54th district, Hidden, Hollister, Irwin, Lacock, Lee 17th district, Means, Saunders, Sayer, Underhill and Weisback.

So the resolution did not pass.

Mr. Glick moved to reconsider the vote by which Concurrent Resolution No. 22 was lost. Carried.

On motion, the House adjourned.

SATURDAY, February 28, 1863, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called. Quorum present.

Absentees—Messrs. Baker, Barrett, Bishop, Bradley, Brown 22d district, Christie, Conrey, Craft, Downing, Drake, Ellis, Eskridge, Foster 40th district, Grover, Gwartney, Hanson, Jackman, Kinner, Lattin, Lee 19th district, Medill, Miller, Sayer, Underhill, Vaughn, Ward, Weisback and Williams.

Prayer by the Rev. Mr. McVicar.

Journal of yesterday read and approved.

J. I. Morton and W. W. Cox, were appointed assistant enrolling clerks, and came forward and were sworn in.

Mr. Forman, from the committee on enrolled bills, made the following report :

MR. SPEAKER :—The committee on enrolled bills ask leave to report that Bill No. 160, entitled "an act to amend an act entitled 'an act relating to township and township officers,' approved Feb. 27, 1860." and

Bill No. 84, entitled "an act to amend an act entitled 'an act regulating the interest on money,' approved Feb. 16, 1860," were placed in the hands of the Governor for his consideration on Thursday, Feb. 26, 1863.

JOHN W. FORMAN, *Chairman.*

The report of Gen. G. W. Collamore, quarter-master, was ordered to be printed with the public documents.

The following message from the Senate was taken up :

MR. SPEAKER :—I am directed to notify the House that the Senate has passed Bill No. 228, "an act to provide for the issue and negotiation of bonds of the State of Kansas, and to legalize those bonds of the State heretofore sold to the Department of the Interior of the United States." and

Bill No. 9, "an act to provide for the appointment of commissioners to locate a State insane asylum and to define their duties

and fix their compensation," without amendment; and has adopted concurrent resolution No. 18, for the relief of settlers on the Osage Indian reservation and Cherokee neutral lands, and desire your concurrence therein.

JOHN FRANCIS, *Secretary.*

The Concurrent Resolution No. 28, memorializing Congress to locate the Kansas branch of the Pacific rail road on the south side of Kansas river, to the committee on rail roads.

Senate Concurrent Resolution for the relief of settlers on the Osage Indian Reservation and Cherokee neutral lands, was concurred in.

Mr. Miller introduced Bill No. 276, which was

Read the first time.

The rules were suspended, and

Bill No. 276, was

Read the second time.

Mr. Lee, from a special committee, reported against any change in the lines of Jefferson county.

House Joint Resolution No. 20, authorizing the Governor and Auditor to make settlement with R. S. Stevens, was

Read the third time.

A call of the House was demanded and taken.

The sergeant-at-arms returned with absentees.

On motion of Mr. Lee, further proceedings under the call of the House were dispensed with.

The question being "Shall the resolution pass?" the vote resulted as follows: Ayes 24. Noes 45.

Those voting in the affirmative were Messrs. Baker, Clark, Eskridge, Ford, Forman, Foster 30th district, Foster 40th district, Glick, Griffith, Grover, Gwartney, Ide, Johnston 1st district, Jones, McCartney, Medill, Mitchell, Page, Russell, Stratton, Tucker, Vaughn, Ward and Williams.

Those voting in the negative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead. Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Christie, Cobb, Craft, Dennison, Douthitt, Drake,

Ellis, Fullington, Gordon, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollinburg, Irwin, Jackman, Johnson 70th district, Lacock, Lee 17th district, Lee 19th district, Loy, Means, Medill, Rogers, Saunders, Sayer, Snyder, Steel, Underhill, Walker and Weisback.

And so the resolution was lost.

Mr. Saunders from committee on engrossed bills, made the following report :

MR. SPEAKER :—The committee on engrossed bills have examined House Bill No. 223, "an act to provide for the incorporation of fire, marine and life insurance companies," and No. 267, "an act for the government of the Kansas State agricultural college, for the benefit of agriculture and the mechanic arts," and find them correctly engrossed.

W. R. SAUNDERS, *Chairman.*

The House then went into a committee of the whole.

Mr. Russell in the chair.

After some time spent therein, the committee arose, reported the following bills, and recommended their passage.

Bill No. 180, "an act to establish a ferry across the Kansas river."

Bill No. 182, "an act for county treasurer to receive Territorial warrants for taxes."

Bill No. 106, "an act prohibiting the issuing and circulating of unauthorized currency, commonly known as shin-plaster currency."

Also the following bill, and recommended its rejection :

Bill No. 151, "an act to amend an act providing for election of township officers."

The bills reported on favorably were ordered to be engrossed for a third reading.

On motion, the House adjourned.

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#### AFTERNOON SESSION.

Two o'clock P. M.

House called to order.

Speaker in the chair.

On motion of Mr. Griffith, bill 166, to prevent the issuance and

circulation of shin-plaster money was taken up, and the vote by which it was ordered to a third reading, was reconsidered.

Mr. Griffith moved to suspend the rules.

Mr. Glick moved to amend by inserting a new section to be called section five. Carried.

Mr. Griffith moved to strike out "March" in the third section, and insert "May." Carried.

On motion, bill 106, was considered engrossed and ordered to a third reading.

Bill No. 106, "an act prohibiting the issuing and circulating of unauthorized currency commonly known as shin-plaster currency," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 40. Noes 14.

Those voting in the affirmative were Messrs. Alford, Beeson, Bottom, Bradley, Broadhead, Brown 22d district, Campbell 33d district, Campbell 55th district, Clark, Christy, Cobb, Craft, Dennison, Drake, Ellis, Eskridge, Forman, Foster 40th district, Glick, Griffith, Gwartney, Harrison, Hidden, Hollinberg, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Page, Rogers, Russell, Snyder, Steel, Stratton, Tucker, Underhill, Weisback, Williams and Lee 19th district.

Those voting in the negative were Messrs. Bargett, Bishop, Bowman, Douthitt, Ford, Gordon, Hawkins, Johnston 70th district, Jones, Lacock, Loy, Sayer, Walker and Ward.

So the bill passed.

The title was agreed to.

Mr. Brown of Leavenworth, offered the following resolution which was laid over under the rules.

*Resolved*, By the House of Representatives, the Senate concurring therein, that the Secretary of war of the United States be and he is hereby requested to take such measures as may be necessary to have the 11th, 12th and 13th regiments of Kansas Volunteers, now in the service of the United States, to be returned to the State of Kansas, and if not detrimental to the public service, to be discharged.

The following message was received from the Senate :

MR. SPEAKER :—I am directed to notify the House, that the Senate has failed to pass Bill 193, and has indefinitely postponed Bill No. 25, "an act to repeal an act to establish a criminal court in Leavenworth county.

JOHN FRANCIS, *Secretary.*

By consent, Mr. Saunders from committee on engrossed bills, reported Bill No. 212, "an act to locate certain State roads," as being correctly engrossed.

Bill No. 181, "an act for county treasurers to receive Territorial warrants for taxes," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows : Ayes 50. Noes 0.

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Craft, Dennison, Douthitt, Drake, Ellis, Eskridge, Ford, Forman, Fullington, Glick, Gordon, Griffith, Harrison, Hawkins, Hidden, Hiner, Hollinberg, Hollister, Ide, Johnson 1st district, Jones, Lacock, Lee 17th district, Loy, Rogers, Russell, Saunders, Sayer, Snyder, Steel, Tucker, Vaughn, Walker, Ward and Williams.

So the bill passed.

The title was agreed to.

Bill No. 180, "an act to establish a ferry across the Kansas river, was taken up and

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows : Ayes 88. Noes 1.

Those voting in the affirmative were Messrs. Alford, Barrett, Bishop, Bottom, Bradley, Brown 22d district, Brown 54th district, Clark, Christie, Cobb, Craft, Dennison, Douthitt, Drake, Ellis, Ford, Foster 40th district, Fullington, Griffith, Grover, Hawkins, Hidden, Hiner, Hollinburg, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lee 17th district, Loy, Rogers, Sayer, Steel, Tucker, Walker, Ward and Williams.



Voting in the negative Mr. Campbell,

So the bill passed.

The title was agreed to,

The following message from the Senate was received :

MR. SPEAKER :—I am directed to notify the House that the Senate has adopted the report of the conference committee in reference to Bill No. 140, "an act providing for the removal of county seats and the permanent location of the same."

JOHN FRANCIS, *Secretary*

Bill No. 212, "an act to establish certain State roads, substitute for bills 95, 112, 136, 199, 171, 153, 198, 167, 152, 141 and 139," was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 46. Noes 8.

Those voting in the affirmative were Messrs. Alford, Beeson, Barrett, Bishop, Bottom, Bowman, Brown 22d district, Brown 54th district, Campbell 55th district, Clark, Craft, Dennison, Douthitt, Drake, Eskridge, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Hawkins, Hiner, Hollinberg, Hollister, Johnston 1st district, Johnson 70th district, Jones, Lacock, Lee 17th district, Loy, Means, Mitchell, Page, Rogers, Russell, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn, Walker, Weisback and Williams.

Those voting in the negative were Messrs. Cobb, Forman, Harrison, Hidden, Jackman, Saunders and Ward.

So the bill passed.

The title was agreed to.

The House then went into committee of the whole

Mr. Russell in the chair.

After some time spent therein, the committee arose, and recommended the passage of Joint Resolution No. 2, which provides for the amendment of section 8, of articles of the Constitution, so as to enable soldiers to vote, and recommended that the enacting clause be stricken out of the following bills :

Bill No. 201, "an act to amend an act fixing the fees of the clerk of the supreme court, district attorneys, county officers,

justices of the peace, constables, witnesses, jurors, referees, appraisers and notaries public."

Bill No. 208, "an act to amend an act fixing the fees of the clerk of the supreme court, district attorneys, county officers, justices of the peace, constables, witnesses, jurors, referees, appraisers and notaries public, approved March 6, 1862."

Bill No. 127, "an act appropriating money for expenses of the supreme court."

Bill No. 196, "an act to provide for the re-location and re-surveying of a portion of the Territorial road from Fort Leavenworth to Fort Scott in Bourbon county."

Bill No. 202, "an act to provide for the publication of general laws in newspapers."

The report of the committee was agreed to.

On motion, the House adjourned until nine o'clock Monday morning.

MONDAY, March 2nd, 1863, 9 o'clock, A. M.

House called to order.

Speaker in the chair.

Roll called. Querum present.

Absentees—Messrs. Alford, Campbell, Downing, Drake, Emery, Eskridge, Griffith, Grover, Gwartney, Hiner, Hollinberg, Ide, Johnston 70th district, Jones, Kinner, Lattin, Lee 17th district, Lee 19th district, McCartney, Medill, Miller, Russell, Sayer, Stratton, Vaughn, Ward and Weisback.

Prayer by the Rev. Mr. Steel.

Journal of yesterday read and approved.

Mr. Tucker introduced concurrent resolution No. 44, which was laid over under the rules.

Mr. Glick offered the following resolution which was adopted :

*Resolved*, That the committee on enrolled bills inform the House whether the bills that have been placed in the hands of the Governor for his signature, have all been signed.

Mr. Tucker moved that the rules be suspended, and concurrent resolution No. 24, be considered. *Lost*.

Mr. Ide moved to strike out all after "returned to the State," and substitute "for service in the State."

Mr. Russell introduced substitute thereto.

By consent, concurrent resolution No. 23, and substitute thereto, were withdrawn.

On motion of Mr. Christie, the following resolution was adopted under a suspension of the rules :

*Resolved*, By the House of Representatives, the Senate concurring therein, that the Secretary of State be requested to furnish the county commissioners of the several counties of the State, copies of the road law in pamphlet form for the purpose of distribution among the road overseers of said counties.

On motion of Mr. Christie, the rules were suspended for consideration of the resolution.

Mr. Foster moved the previous question. Carried.

The resolution was adopted.

Mr. Ellis offered the following resolution :

*Resolved*, By the House of Representatives, the Senate concurring, that Gov. Carney is hereby requested to organize a company of State militia for Johnson county, and one company for Miami county, and have said companies mounted and armed, and whenever necessary, are to be called together for the protection of the eastern border of said counties, and said companies shall receive the same pay while in actual service, as the general government pays volunteer service.

On motion of Mr. Sayer, Linn county was included in the resolution, when it was laid over under the rules.

Message from the Senate :

MR. SPEAKER :—I am directed to notify the House that the Senate has passed Bill No. 240, "an act making appropriation for the current expenses for the years 1861, 1862 and 1863."

Also Bill No. 186, "an act authorizing the State of Kansas to procure temporary capital buildings."

Also Bill No. 99, "an act to amend 'an act for the regulation and support of common schools,' " with sundry amendments, to each of which your concurrence is respectfully solicited.

The Senate has passed Bill No. 2, "an act supplemental to an act entitled 'an act to enable the trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate,' " without amendment.

Bill No. 162, "an act to confer local legislation on county commissioners," has failed to become a law.

The Senate has passed Bill No. 272, "an act to provide revenue for the year 1863," and

Bill No. 158, "an act relating to unorganized counties while they remain attached to an organized county for judicial purposes," without amendment, and has passed

Bill No. 129, "an act to define what shall constitute the publication of laws," with amendment, in which your concurrence is desired.

The Senate has adopted Senate Concurrent Resolution No. 16, to secure the location of the Pacific rail road on the south side of Kansas river, and desire your concurrence, without amendment in which your concurrence is desired.

JOHN FRANCIS, *Secretary*.

Motion to concur in Senate amendments in line 32 of section 1 of Senate printed Bill No. 240 was lost by the following vote: Ayes 23. Noes 40.

Those voting in the affirmative were Messrs. Beeson, Bottom, Bowman, Brown 22d district, Campbell 55th district, Clark, Cobb, Craft, Douthitt, Forman, Foster 30th district, Fullington, Grover, Hawkins, Hidden, Johnson 1st district, Johnston 70th district, Jones, Loy, Russell, Sayer, Stratton and Williams.

Those voting in the negative were Messrs. Alford, Baker, Barrett, Bishop, Bradley, Broadhead, Brown 54th district, Campbell 33d district, Christie, Dennison, Drake, Ellis, Ford, Foster 40th district, Glick, Gordon, Griffith, Gwartney, Hanson, Harrison, Hiner, Hollister, Ide, Irwin, Jackman, Lacock, Lattin, Means, McCartney, Medill, Mitchell, Page, Rogers, Saunders, Snyder, Steel, Tucker, Underhill, Vaughn and Walker.

So the amendment was not concurred in.

Also non-concurred in amendments in line 9 of section 1 of Senate printed bill.

Also non-concurred in amendments in line 30 in section 1 of said bill.

Also non-concurred in amendments in line 50 of section 1.

Also non-concurred in amendments in line 62 of section 1, and concurred in balance of Senate amendments to Bill No. 240.

Mr. Ford moved to reconsider the vote by which the Senate amendments with reference to the account of J. A. Brown was non-concurred in.

Mr. Jackman moved that the motion to reconsider be laid on the table. Carried.

The House concurred in Senate amendments to Bills Nos. 186, 19 and 39.

Mr. Lattin moved to adjourn. Lost.

Mr. Griffith moved that Senate Concurrent Resolution No. 16 be adopted.

Mr. Ide moved to refer the resolution to the committee on railroads.

Mr. Mitchell moved the previous question on the resolution.

Mr. Ide moved to adjourn, which was lost.

The ayes and noes were demanded on the motion for the previous question and taken with the following result: Ayes 48. Noes 16.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bowman, Bradley, Broadhead, Brown 54th district, Campbell 38d district, Campbell 55th district, Clark, Christy, Cobb, Dennison, Deuthitt, Ellis, Ford, Foster 40th district, Gordon, Griffith, Hanson, Harrison, Hawkins, Hidden, Hiner, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Lacock, Loy, Means, McCartney, Mitchell, Page, Rogers, Russell, Saunders, Steel, Stratton, Tucker, Underhill, Vaughn and Williams.

Those voting in the negative were Messrs. Barrett, Bishop, Bottom, Brown 22d district, Craft, Fullington, Grover, Gwartney, Hollister, Ide, Jones, Lattin, Lee 17th district, Medill, Snyder and Walker.

Mr. Ide moved to adjourn.

A call of the House was demanded and taken.

Mr. Saunders moved the further proceedings under the call of the House be dispensed with, which motion prevailed by a vote of 44 to 16.

The question recurring upon the adoption of the resolution, the ayes and noes were demanded and taken with the following result: Ayes 44. Noes 18.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Bradley, Broadhead, Brown 54th district, Campbell 38d district, Campbell 55th district, Clark, Christie, Cobb, Dennison, Douthitt, Ellis, Ford, Foster 40th district, Fullington, Glick, Gordon, Griffith, Hanson, Hawkins, Hidden, Hiner, Hollister, Irwin, Jackman, Johnston 70th district, Johnson 1st district, Lacock, Loy, Means, McCartney, Mitchell, Page, Rogers, Russell, Saunders, Sayer, Steel, Stratton, Tucker, Underhill and Williams.

Those voting in the negative were Messrs. Barrett, Bishop, Bottom, Bowman, Brown 22d district, Craft, Fullington, Gwartney Ide, Jones, Lattin, Lee 17th district, Medill, Snyder, Vaughn and Walker.

And so the resolution passed.

On motion, the House adjourned.

## AFTERNOON SESSION.

Two o'clock, P. M.

House called to order.

Speaker in the chair.

The following message from the Governor was received :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, March 2, 1863.

*To the House of Representatives:*

I have this day approved Bill No. 9, "an act to provide for the appointment of commissioners to locate a State insane asylum and to define their duties and fix their compensation."

Also Bill No. 140, "an act providing for the removal of county seats and permanent location of the same."

Also Bill No. 228, "an act to provide for the issue and negotiation of bonds of the State of Kansas, and to legalize those bonds of the State heretofore sold to the Department of the Interior of the United States.

Respectfully,

THOMAS CARNEY.

By consent, Mr. Forman from committee on enrolled bills, made the following report :

MR. SPEAKER :—The committee on enrolled bills ask leave to report that they have examined House Bill No. 9, "an act to provide for the appointment of commissioners to locate a State insane asylum and to define thier duties and fix their compensation," and have found the same correctly enrolled, and placed in the hands of the private secretary of the Governor, in the absence of the Governor from the Capitol, on Saturday, February 28th, 1863.

Also that they have examined House Bill No. 228, entitled "an act to provide for the issue and negotiation of bonds of the State of Kansas, and to legalize the bonds of the State heretofore sold to the Department of the Interior of the United States," and find the same correctly enrolled.

The following bills, to wit: Bill No. 2, "an act supplementary

to an act entitled 'an act to enable the trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate.' "

Also Bill No. 140, "an act to provide for the removal of county seats and the permanent location of the same," and have placed them in the hands of the Governor for his consideration on Monday, March 2d, 1863.

JOHN W. FORMAN, *Chairman*.

By unanimous consent Bill No. 276 was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 49. Noes 2.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 54th district, Campbell 55th district, Clark, Christie, Cobb, Dennison, Douthitt, Ellis, Ford, Forman, Fullington, Gordon, Grover, Gwartney, Hanson, Harrison, Hawkins, Hiner, Hollister, Ide, Irwin, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Means, McCartney, Mitchell, Page, Rogers, Russell, Sayer, Snyder, Steel, Stratton, Tucker, Underhill and Vaughn.

Those voting in the negative were Messrs. Hidden and Walker.

And so the bill passed.

The title was agreed to.

Senate Joint Resolution No. 2, providing for the amendment of the constitution so as to allow soldiers to vote, was taken up, and the vote being put, a vote of two-thirds of all the members elected being necessary for its passage, it was lost by the following vote: Ayes 44. Noes 9.

Those voting in the affirmative were Messrs. Alford, Baker, Beeson, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Clark, Christie, Cobb, Dennison, Douthitt, Gordon, Grover, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lee 17th district, Means, McCartney, Mitchell, Page, Rogers, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Vaughn and Walker.

Those voting in the negative were Messrs. Ellis, Forman, Fullington, Glick, Gwartney, Lacock, Lattin, Medill and Russell.



Bill No. 226, "an act to vacate certain streets and alleys in the town of Palmyra," was taken up and

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 39. Noes 0.

Those voting in the affirmative were Messrs. Baker, Beeson, Barrett, Bottom, Broadhead, Brown 22d district, Brown 54th district, Campbell 55th district, Clark, Christie, Cobb, Ford, Forman, Fullington, Glick, Gwartney, Hanson, Harrison, Hawkins, Hiner, Hollister, Ide, Irwin, Jones, Johnson 1st district, Lacock, Lattin, Lee 17th district, Means, McCartney, Medill, Page, Rogers, Sayer, Snyder, Steel, Underhill, Vaughn and Walker.

So the bill passed.

The title was agreed to.

On motion, the House adjourned until 5 o'clock P. M.

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FIVE O'CLOCK P. M.

House called to order.

Speaker in the chair.

By consent, Mr. Forman from the committee on enrolled bills, made the following report:

MR. SPEAKER:—The committee on enrolled bills ask leave to report that the following bills have been examined and found to be correctly enrolled, to wit:

Bill No. 186, "an act to authorize the State of Kansas to procure temporary capitol buildings."

Also Bill No. 158, "an act relating to unorganized counties while they remain attached to organized counties for judicial purposes."

Bill No. 129, "an act to define what shall constitute the publication of laws."

Also Bill No. 272, "an act to provide revenue for the year 1863."

Also Bill No. 99, entitled "an act to amend an act entitled 'an act for the regulation and support of common schools,' approved

May, 1860," and the said bills have all been placed in the hands of the Governor for his consideration on Monday, March 2d, 1863.

JOHN W. FORMAN, *Chairman*.

Mr. SPEAKER:—The committee on enrolled bills, in compliance with the resolution adopted this day, requiring the committee on enrolled bills to inform the House whether the bills placed in the hands of the Governor for his signature have all been signed by him, ask leave to report that the following bills have, up to this date, been placed in the hands of the Governor, to wit: 1, 2, 3, 4, 6, 7, 8, 9, 11, 15, 16, 17, 21, 34, 41, 42, 45, 48, 57, 58, 63, 66, 73, 76, 82, 85, 86, 92, 99, 89, 108, 109, 113, 115, 67, 100, 134, 120, 122, 129, 140, 146, 148, 158, 159, 160, 166, 186, 188, 228, 272 and 164.

Also Joint Resolutions Nos. 4, 6 and 8, and your committee is informed by his excellency that all bills presented to him have been approved and signed by him.

JOHN W. FORMAN, *Chairman*.

The following message from the Senate was taken up :

MR. SPEAKER:—I am directed to notify the House that the Senate receded from the amendments to Bill No. 240, "an act making appropriation for the current expenses for the years 1861, 1862 and 1863," which the House refused to concur in, and has passed

Bills Nos. 210 and 267 without amendment, and has passed

Bill No. 89, "an act relating to mills and millers," with amendments in which your concurrence is desired.

JOHN FRANCIS, *Secretary*.

House concurred in Senate amendment to Bill No. 89.

By consent, Bill No. 217 was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 52. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Campbell 33d district, Campbell 55th district, Clark, Cobb, Craft, Dennison, Douthitt, Ellis, Emery, Ford, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollister, Jackman, Johnson 1st district,

Johnston 70th district, Jones, Lacock, Lee 17th district, Loy, Means, McCartney, Medill, Mitchell, Rogers, Saunders, Sayer, Snyder, Steel, Stratton, Tucker, Underhill, Walker and Williams.

So the bill passed.

The title was agreed to.

Bill No. 214, "an act to authorize the Secretary of State, the Auditor of State, the President of the Senate and the Speaker of the House to administer oaths in the discharge of their official duties," was taken up and

Read the third time.

By consent, the bill was amended by striking out that portion of the bill which allows the Secretary of State to take acknowledgements of deeds and other instruments of writing.

Also including in section 1 the names of the Auditor, President of the Senate and Speaker of the House of Representatives.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 59. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bishop, Bottom, Bowman, Bradley, Broadhead, Brown 22d district, Campbell 33d district, Campbell 55th district, Clark, Christie, Cobb, Craft, Dennison, Douthitt, Ellis, Ford, Foster 30th district, Foster 40th district, Fullington, Glick, Gordon, Griffith, Grover, Gwartney, Hanson, Harrison, Hawkins, Hidden, Hiner, Hollister, Ide, Irwin, Jackman, Johnson 1st district, Johnston 70th district, Jones, Lacock, Lattin, Lee 17th district, Loy, Means, McCartney, Medill, Mitchell, Rogers, Russell, Saunders, Sayer, Steel, Stratton, Tucker, Underhill, Vaughn, Walker and Williams.

So the bill passed.

The title, on motion of Mr. Griffith, was amended so as to ~~amend~~ with the bill and as amended, was agreed to.

The following resolution offered on a previous day, was taken up and adopted, authorizing the sergeant-at-arms to furnish the officers of the House with copies of the compiled laws.

On motion, the House adjourned until seven o'clock P. M.

## EVENING SESSION.

SEVEN O'CLOCK P. M.

House called to order.

Speaker in the chair.

The following message from the Governor was received :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
 Topeka, March 2, 1868. }

*To the House of Representatives:*

I have this day approved Bill No. 2, "an act supplementary to an act entitled 'an act to enable the trustees of colleges, academies universities and other institutions, societies and companies to become bodies corporate.'"

Bill No. 158, "an act relative to unorganized counties while they remain attached to an organized county for judicial purposes."

Bill No. 129, "an act to define what shall constitute the publication of laws."

Bill No. 272, "an act to provide revenue for the year 1863."

Bill No. 186, "an act to authorize the State of Kansas to procure temporary capitol buildings."

Respectfully,

THOMAS CARNEY.

The following message from the Senate was received :

MR. SPEAKER:—I am directed to notify the House that the Senate has passed Bill No. 150, "an act to establish, locate and endow a State normal school."

Bill No. 206, "an act to provide for the location of lands granted to the State by act of Congress, approved July 2, 1862," and making appropriation therefor.

Bill No. 138, "an act to provide for the erection of a dam across the Neosho river," without amendments.

And has passed Bill No. 62, "an act to provide for the permanent location of the county seat of Franklin county," with sundry amendments, in which your concurrence is desired.

The Senate has also passed Bill No. 33, "an act supplementary

to an act to provide for the assessment and collection of taxes," without amendments.

JOHN FRANCIS, *Secretary*.

Mr. Ide moved the non-concurrence in Senate amendments to Bill No. 62.

Upon which the ayes and noes were demanded and taken with the following result: Ayes 20. Noes 23.

Those voting in the affirmative were Messrs. Baker, Beeson, Bottom, Broadhead, Campbell 33d district, Clark, Craft, Fullington, Glick, Ide, Johnson 1st district, Johnston 70th district, Jones, Lattin, Loy, Lee 17th district, Medill, Rogers, Snyder and Williams.

Those voting in the negative were Messrs. Alford, Barrett, Cobb, Dennison, Douthitt, Emery, Eskridge, Forman, Foster 40th district, Griffith, Harrison, Hiner, Hollister, Irwin, Jackman, Lacock, Means, Mitchell, Page, Saunders, Sayer, Steel and Underhill.

So the amendments were concurred in.

The House took a recess for one hour.

House called to order.

Speaker in the chair.

By consent, Mr. Griffith introduced House Bill 277, entitled "an act supplementary to an act passed March 1863, entitled 'an act supplemental to an act to provide for the assessment and collection of taxes.'"

Read the first time.

On motion of Mr. Griffith, the rules were suspended, and Bill No. 277, was

Read the second time.

On motion, the rules were suspended, and Bill No. 277, was

Read the third time.

The question being "Shall the bill pass?" the vote resulted as follows: Ayes 38. Noes 0.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bishop, Bottom, Bradley, Broadhead, Brown 22d district, Clark, Craft, Dennison, Douthitt, Emery, Ford, Foster 30th district, Glick, Gordon, Griffith, Hanson, Hawkins, Hidden, Himer, Hollister, Irwin, Jackman, Johnson 1st district, Jones, Loy, Means, McCartney, Medill, Mitchell, Rogers, Saunders, Sayer, Snyder, Steel and Tucker.

So the bill passed.

The title was agreed to.

Mr. Jackman made the following report :

MR. SPEAKER :—The committee on enrolled bills ask leave to report that they have examined Bill No. 150, "an act to establish, locate and endow a State normal school," and find it correctly enrolled, and the same was placed in the hands of the Governor for his consideration the 2nd day of March, A. D. 1863.

D. B. JACKMAN, *Chairman, pro tem.*

Mr. Douthitt made the following report :

MR. SPEAKER :—The committee on rail roads to whom was referred House Concurrent Resolution 22, memorializing the President of the United States, and the head of Department at Washington, to locate the branch of the Pacific rail road in Kansas on the south side of the Kansas river, from its mouth, by way of Fort Riley, have had the same under consideration, and directed me to report the same back to the House, and recommended its passage.

W. P. DOUTHITT, *Chairman.*

On motion, the House adjourned.

TUESDAY, March 3, 1863, 9 o'clock A. M.

House called to order.

Speaker in the chair.

Rolt called. Quorum present.

Absentees—Messrs. Conrey, Dennison, Downing, Drake, Eskridge, Foster 40th district, Fallington, Grover, Hollinberg, Kinner, Lee 17th district, Mitchell, Rogers, Russell, Tucker, Vaughn, Ward and Weisback.

Prayer by the Rev. Mr. McVicar.

Journal of yesterday read and approved.

Mr. Underhill moved a reconsideration of the vote by which Senate amendment to Bill No. 62, was concurred in. Carried.

Mr. Griffith offered the following resolution :

*Resolved*, That the enrolling committee be instructed to return forthwith to the House Bill No. 62, entitled "an act to provide for the permanent location of seats of Franklin and Jefferson counties."

The resolution was adopted.

On motion, the rules were suspended, and the vote by which the House concurred in Senate amendments to said bill was reconsidered.

Mr. Forman presented the following :

MR. SPEAKER :—In obedience to the resolution requiring the committee on enrolled bills to return Bill No 62 to this House, said bill is herewith returned.

Mr. Griffith moved to non-concur in Senate amendment. Carried.

Mr. Eskridge offered the following resolution which was unanimously adopted :

*Resolved*, That the thanks of the House be tendered to Hon., Josiah Kellogg, Speaker, for the able, impartial and dignified manner in which he has presided over the deliberations of this body during the present session.

*Resolved*, That the thanks of this House be tendered to W. B.

Saunders, Speaker *pro tem*; A. R. Banks, chief clerk; H. A. Burgess, sergeant-at-arms; Wm. Willson, docket clerk; and the assistant officers and pages of this House, for the prompt and able manner in which they have discharged their respective duties during the present session.

Mr. Eskridge offered a resolution tendering the thanks of this House to J. F. Cummings, State Printer, for the promptness with which he has discharged his duties during the present session of the legislature. Adopted.

A resolution was adopted tendering thanks to the publishers of the *State Record* for the able and impartial manner with which they have reported the proceedings of the present legislature.

Mr. Forman, from the committee on enrolled bills, made the following report:

That the following bills have been examined by the committee, and found to be correctly enrolled, and placed in the hands of the Governor for his consideration on Monday, March the 2nd, 1863, to wit:

Bill No. 210, "an act to encourage the manufacture of salt."

Bill No. 89, "an act relating to mills and millers."

Bill No. 267, "an act for the government of the Kansas State agricultural college for the benefit of agriculture and mechanic arts."

Also that they have examined the following bills, and find them correctly enrolled, to wit:

House Bill No. 206, "an act to provide for the location of lands granted to the State by act of Congress, approved July 2, 1862," and making appropriation therefor.

Bill No. 198, "an act to provide for the erection of a dam across the Neosho river."

JOHN W. FORMAN, *Chairman*.

Mr. Means moved to reconsider the vote by which Senate Joint Resolution No. 2, was lost. Carried.

The following message was received from the Governor:

STATE OF KANSAS, EXECUTIVE OFFICE,  
Topeka, March 3, 1863.

To the House of Representatives:

I have approved Bill No. 99, "an act to amend an act entitled



'an act for the regulation and support of common schools,' approved May, 1861."

Also Bill No. 150, "an act to establish, locate and endow a State normal school."

Also Bill No. 269, "an act for the government of Kansas State agricultural college for the benefit of agriculture and the mechanic arts."

Also Bill No. 210, "an act to encourage the manufacture of salt."

Also Bill No. 89, "an act relating to mills and millers."

Respectfully,

THOMAS CARNEY.

The question recurring on the passage of Senate Joint Resolution No. 2, a call for the House was demanded and taken.

On motion of Mr. Ford, further proceedings under the call of the House were dispensed with.

The question being "Shall the Joint Resolution pass?" the vote resulted as follows: Ayes 88. Nays 11.

Those voting in the affirmative were Messrs. Alford, Baker, Barrett, Bishop, Bottom, Bradley, Broadhead, Campbell 55th district, Clark, Christie, Cobb, Craft, Dennison, Douthitt, Ellis, Eskridge, Gordon, Hanson, Harrison, Irwin, Jackman, Johnson 70th district, Jones, Lee 17th district, Means, McCartney, Page, Rogers, Saunders, Sayer, Snyder, Steel, Stratton, Underhill, Walker and Williams.

Those voting in the negative were Messrs. Bowman, Campbell 38d district, Ford, Foster 30th district, Fullington, Glick, Ide, Lacock, Lattin, Medill and Russell.

So the Joint Resolution was lost.

Mr. Ide offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed to wait on the Governor and inform him that the House will stand adjourned *sine die* at 12 M., and inquire if his excellency has any further communication he desires to make.

The Speaker appointed Messrs. Ide, Page and Russell that committee.

Mr. Forman, from the committee on enrolled bills, made the following report:

MR. SPEAKER:—The following bills were placed in the hands of the Governor for his consideration on Tuesday, March 3d, 1863, to wit: Bill No. 206, "an act to provide for the location of lands granted to the State by act of Congress approved July 2d, 1862, and making appropriations therefor."

Also Bill No. 138, "an act to provide for the erection of a dam across the Neosho river."

JOHN W. FORMAN, *Chairman*.

On motion, the House adjourned until half past 11 o'clock.

#### HALF PAST ELEVEN O'CLOCK..

House called to order.

Speaker in the chair.

The following messages were received from the Senate:

MR. SPEAKER:—I am directed to notify the House that the Senate has passed Bill No. 223, "an act to provide for the incorporation of fire, marine and life insurance companies," without amendment.

Bill No. 277, "an act supplemental to an act passed March 2d, 1863, entitled 'an act supplemental to an act to provide for the assessment and collection of taxes,'" without amendment.

Bill No. 266, "an act amendatory to an act entitled 'an act to incorporate the Lawrence bridge company,'" with amendments, in which your concurrence is desired.

JOHN FRANCIS, *Secretary*.

The House concurred in Senate amendment to Bill No. 266.

Mr. Ide, from the special committee, made the following report:

MR. SPEAKER:—The committee appointed to wait on the Governor and notify him that this body will stand adjourned at 12 o'clock M., beg leave to report that they have performed their duty assigned them, and are instructed by his excellency to say that he will communicate to the House by his private secretary.

The following message from the Senate was received:

MR. SPEAKER:—I am directed to notify the House that the Senate has passed Bill No. 275, "an act directing the printing of the reports of the State officers," without amendment.

Bill No. 212, "an act to establish certain State roads," with sundry amendments in which your concurrence is desired.

Bill No. 6 is returned to the House, the committee on conference on the part of the House and Senate failing to unite on amendments in regard to the same.

Bill No. 62, "an act to provide for the permanent location of the county seat of Franklin county."

JOHN FRANCIS, *Secretary.*

By consent, Mr. Forman from committee on enrolled bills, made the following report :

MR. SPEAKER:—The following bills have been examined by the enrolling committee and found to be correctly enrolled ; the same were placed in the hands of the Governor for his consideration on Tuesday, March 3d, 1863, to wit :

Bill No. 33, "an act supplemental to 'an act to provide for the assessment and collection of taxes.' "

Bill No. 240, "an act making appropriations for the current expenses for the years 1861, 1862 and 1863."

Bill No. 223, "an act to provide for the incorporation of fire, marine and life insurance companies."

Bill No. 62, "an act to provide for the permanent location of the county seat of Franklin county."

Bill No. 266, "an act amendatory to an act entitled 'an act to incorporate the Lawrence bridge company.' "

JOHN W. FORMAN, *Chairman.*

The amendment of the Senate to Bill No. 212 was concurred in by the House.

The following message was received from the Governor :

STATE OF KANSAS, EXECUTIVE OFFICE, }  
Topeka, March 3, 1863. }

*To the House of Representatives :*

I have approved Bill No. 206, "an act to provide for the location of lands granted to the State by act of Congress approved July 2d, 1862, and making appropriation therefore."

Bill No. 138, "an act to provide for the erection of a dam across the Neosho river."

Bill No. 33, "an act supplemental to an act to provide for the assessment and collection of taxes."

Bill No. 240, "an act making appropriations for the current expenses for the years 1861, 1862 and 1863."

Bill No. 62, "an act to provide for the permanent location of the county seat of Franklin county."

Bill No. 266, "an act amendatory to an act entitled 'an act to incorporate the Lawrence bridge company.'"

Bill No. 223, "an act to provide for the incorporation of fire, marine and life insurance companies."

Respectfully,

THOMAS CARNEY.

Mr. Page offered the following resolution, which was adopted :

*Resolved*, That there be a committee of three appointed to examine and revise the journal of to day's proceedings.

The chair appointed Messrs. Page, Douthitt and Foster 30th district, such committee.

The hour of 12 o'clock having arrived, Mr. Forman moved that the House adjourn *sine die*. Carried.

And after three cheers for the Union, the Speaker declared the House so adjourned.

